

the same time find that the death penalty is justified or that life imprisonment without the possibility of release is justified. But, under the terms of the law that the D'Amato amendment incorporates by reference, this jury would be required to recommend the sentence of death even if that jury believed that some other sentence was also justified. Without the possibility of amending the D'Amato amendment, the Senate would once again be approving making this illogic part of the U.S. law.

So, Mr. President, the D'Amato amendment is not only flawed in its substance, it is flawed in a more fundamental way. In the current procedural context, we are not even able to remove the flaws. Today, the Senate is truly rushing to judgment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 698), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask the committee amendment be temporarily set aside to consider an amendment of the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

AMENDMENT NO. 701

(Purpose: To provide that funds may not be expended to implement or enforce the provisions of an order of the Attorney General relating to the jurisdiction of the Office of Inspector General and certain allegations of misconduct, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 701.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, add after line 22 the following new section:

SEC. 112. No funds appropriated under this Act or any other Act may be expended to implement or enforce Attorney General Order No. 1638-92, dated December 11, 1992 (relating to the jurisdiction of the Office of the Inspector General and certain allegations of misconduct).

Mr. GLENN. Mr. President, I rise today to offer an amendment to the Justice Department's appropriation. This amendment would prohibit the expenditure of funds to implement or enforce Attorney General Order No. 1638-92, dated December 11, 1992. That order guts the jurisdiction of the Inspector General Office [IG] at the Department of Justice and provides the Depart-

ment's Office of Professional Responsibility [OPR] with authorities that are in violation of the Inspector General Act of 1978.

The committee which I chair, Governmental Affairs, is the authorizing and oversight committee for the entire IG community. I was a strong supporter of the original Inspector General Act of 1978, which created a number of Presidentially-appointed inspector general positions throughout many of the Cabinet departments and agencies. Through the years some of the agencies that had been left out were added to the act's coverage.

I was a principal author of the 1988 Inspector General Act Amendments which created Presidentially appointed IG positions at the last two holdout Departments—Justice and Treasury. Despite misgivings among some Members, Congress acceded to the direct request of Attorney General Thornburgh and did not incorporate the Office of Professional Responsibility into the new Office of Inspector General. That office, with 10 attorneys all working in D.C. and no investigators, was created in 1975, prior to the establishment in the Government of Inspector general offices. We made sure to note, however, that the Attorney General had the authority to administratively effect the transfer.

The transfer never took place, and today, Justice stands alone as the only agency with essentially two department-level IG offices. Every other IG office can, and does investigate misconduct allegations relating to any employee within those agencies; these include agencies with staff attorneys, litigators, and criminal investigators as well as other professionals who exercise their judgment and discretion, such as physicians and scientists.

Our 1988 compromise with Attorney General Thornburgh resulted in the situation whereby the IG is required to refer allegations about certain DOJ employees—attorneys, criminal investigator and law enforcement positions—to OPR. In the final rush to reach compromise and prepare the legislative record, we left those terms undefined, but made clear that we were being sensitive to the Department's request that OPR investigate allegations involving the exercise of prosecutorial or litigative discretion in particular cases. It was our expectation that the appropriate Justice Department officials, including the Presidentially appointed IG and the head of OPR, would establish a professional working relationship and ultimately work out the details.

After 4 years of IG and OPR coexistence, this has not come to pass. I have watched with increasing alarm as turf war attitudes and confusion have become the benchmark of the OPR/IG relationship. I am now convinced that the 1988 compromise was a failure and that the existence of two IG offices in main Justice is a mistake. We can wait

no longer for a resolution of this matter.

I had planned to take this matter up with President Clinton's new Attorney General after she took office. But without notice to the IG or Congress, in the midst of a Presidential transition period, then Deputy Attorney General Terwilliger decided to decide this issue himself. In November 1992 he wrote a memo to the IG and head of OPR which effectively transferred most of the authority of the IG Office to the OPR. I immediately wrote Attorney General Barr objecting to the Terwilliger memo and urging him to rescind it.

Instead, Mr. Terwilliger, acting as the Attorney General, signed an Attorney General order which memorialized his own memo. Again, neither the IG nor the IG oversight committee were consulted, nor informed of this decision. This was a transparent political effort to weaken the Justice IG—which has an obligation to report to Congress as well as the Attorney General—and unlawfully expand OPR's authority before the arrival of the new Attorney General. I wrote Attorney General Barr again, and never received a response to my objections.

This order guts the legislated jurisdiction of the IG office, by broadly rewording the categories of employees that the IG Act subjects to OPR investigation. By the manner and method of its approval, it also shows blatant disregard for the IG Act, the oversight committee and congressional intent. I think nothing short of rescission is an acceptable solution to this problem.

The order is unlawful because it requires allegations of misconduct by all employees in entire components of the Department, regardless of their positions, to be referred to OPR—including the secretaries, paralegals, and administrative personnel in those offices. The OPR assignments include all of the U.S. attorney offices and Office of the Solicitor General. The order assigns allegations of misconduct by employees in other components of the Department solely to the IG—such as the Justice Management Division and U.S. trustees offices, including their secretaries, paralegals, and administrative personnel. The order goes on to provide that OPR will refer back to the IG allegations about its assigned employees only after OPR's 10 attorneys have been able to screen the allegations according to a vague and unarticulated standard.

The unbounded discretion and authority provided to OPR is contrary to the letter and intent of the law. While we agreed to Mr. Thornburgh's request to retain OPR outside the IG office, we did not agree that OPR alone could interpret the act's coverage, regardless of an employee's job description and no matter how far removed that employee is from a law enforcement function.

The clear intent of this order is to preclude and delay the IG from investigating allegations about employees who do not fall within the three cat-

egories reserved to OPR by law—attorneys, criminal investigators, and law enforcement officers. On its face, it contributes to an atmosphere of confusion and blurs any clear lines of accountability. For example, who should an allegation of theft by GS-7 secretary who works in a U.S. attorney's office be handled by OPR, while his or her counterpart in the Justice Management Division accused of the same crime be investigated by the IG office?

I continue to object to this order and stated my objection personally to Attorney General Reno when we met on this subject on April 9, 1993. JACK BROOKS, chairman of the House Judiciary Committee, has also expressed his dismay at the continued existence of this order. In April Ms. Reno said she preferred to deal with the order as part of her review of the broader question of IG and OPR jurisdictional issues, and of course, I wanted to give her time to do so.

But 3 months have now passed, and in my view, the longer this order stays in place, the more damage it does. For example, on April 16, 1993, the FBI sent a memo to the Attorney General asking for reconsideration of the December 1992 order. The FBI, who was not consulted prior to the issuance of the order, specifically noted that the order does not provide for a coordination mechanism between the FBI and IG. The FBI then took the liberty of drafting and forwarding to the Attorney General a draft Memorandum of Understanding between the FBI and IG, without consulting or providing any notice to the IG. As this is taking place, there continues to be a battle waged between the IG and INS over the IG's jurisdiction to investigate INS agents, even those who are alleged to have taken a bribe. I do not know if Ms. Reno has acted on the FBI memo, but this infighting is typical of the turf battles and confusion that have marked the failed 1988 compromise.

Another example of the impact of the order is the lack of assistance from or consultation with the Office of the Inspector General in the internal review of the Waco, TX, raid. My Governmental Affairs Committee staff was informed that the order was the basis for the refusal to include the IG in the investigation of the Waco incident. This is in direct contrast to the Treasury IG, who has been working with the team looking at the actions of the Bureau of Alcohol, Tobacco and Firearms agents.

At this time, the General Accounting Office is performing a review of the IG/OPR controversy. I understand that in at least two recent meetings, GAO orally informed DOJ that this order is in violation of the IG Act. GAO will be reporting that finding in its upcoming reports.

At this time I must insist that the damaging, unlawful Attorney General order he revoked so we can all go back to the drawing board and come up with a solution once and for all. I look forward

ward to working with Attorney General Reno to accomplish that goal; I am glad to hear that Justice Department lawyers are revisiting these issues with an eye toward merger. My staff and I are always ready to meet with them and work with them toward an acceptable solution.

In the meantime, since the Attorney General has not revoked the order on her own, and the damage and confusion it sows has continued, I am offering my amendment to prohibit the enforcement or implementation of that order.

I ask unanimous consent that a copy of the order at issue be printed in the CONGRESSIONAL RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC.

JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL AND THE OFFICE OF PROFESSIONAL RESPONSIBILITY WITH RESPECT TO ALLEGATIONS OF MISCONDUCT BY DEPARTMENT OF JUSTICE EMPLOYEES (ORDER NO. 1638-92)

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§509, 510 and the Inspector General Act of 1978, as amended, I hereby direct that the following procedures be followed in the investigation of allegations of misconduct by Department of Justice employees:

I. Initial referral.

A. Allegations involving officers or employees in the Office of the Solicitor General, United States Attorneys' Offices, the Federal Bureau of Investigation, Drug Enforcement Administration, the Office of Legal Counsel and the Office of Intelligence Policy Review shall be referred to the Office of Professional Responsibility (OPR).

B. Allegations involving officers or employees, except attorneys, in the Immigration and Naturalization Service and the Bureau of Prisons, the Justice Management Division, the Office of Justice Programs, the Executive Office for United States Attorneys, and the Executive Office for United States Trustees, inclusive of the United States Trustee's Offices, shall be referred to the Office of the Inspector General (OIG).

C. Allegations that involve officers or employees in attorney positions in any Department component shall be referred to OPR. For purposes of this provision, an attorney is any person who is admitted to practice law and who, as part of his or her normal or assigned duties, provides legal advice and counsel, conducts litigation, or exercises legal judgment or discretion. Allegations involving misconduct by a person who is an attorney shall be referred to OPR regardless of whether the misconduct involved that person's legal work or other, nonlegal duties or actions.

D. Allegations involving persons in a criminal investigative or law enforcement position in any Department component not listed in paragraph A or B shall be referred to OPR. Allegations regarding any other employee not otherwise described above shall be referred to OIG.

E. Allegations involving fraud and other abuse committed by contractors, grantees or other recipients of Departmental benefits shall be referred to OIG.

II. Coordination between the Office of Professional Responsibility and the Office of Inspector General.

A. OIG and OPR will each determine with respect to allegations received in their respective offices whether such allegations implicate the prosecutive, investigative or litigative functions of the Department.

B. Officers or employees discharging prosecutive, investigative or litigative functions are deemed to be "employed in an attorney, criminal investigative, or law enforcement position" to the extent they perform such functions, regardless of whether the position is classified for other purposes as an attorney, criminal investigative or law enforcement position. This paragraph is included for clarification only and nothing herein affects the allocation of responsibilities under any other provision of this order.

C. When OPR determines that an allegation received by it does not implicate the prosecutive, investigative or litigative functions of the Department, OPR shall refer such allegation to OIG when the allegation concerns waste, fraud or abuse, matters which are presumptively within the jurisdiction of OIG. Such reassignments shall be made regardless of whether the position is classified for other purposes as an attorney, criminal investigator, or law enforcement position.

D. When OIG determines that an allegation received by it implicates the prosecutive, investigative or litigative functions of the Department, OIG shall refer such allegation to OPR because such an allegation is presumptively within the jurisdiction of OPR. Such reassignments shall be made regardless of whether the position is classified for other purposes as an attorney, criminal investigator, or law enforcement position.

E. Each office shall transmit to the other copies of all allegations received by it that implicate persons within the scope of the other office's interest. The OIG and OPR each recognize that this obligation continues throughout the course of an investigation.

F. Any disputes regarding jurisdiction over particular matters that cannot be resolved between OIG and OPR will be resolved by the Deputy Attorney General.

G. Nothing herein restricts the authority of OIG to audit or inspect any component of the Department of Justice.

Acting Attorney General.

Date: December 11, 1992.

Mr. ROTH. Mr. President, as a strong supporter, in my days in the Senate, of legislation which has established an office of inspector general in the various departments and agencies of Government, I rise in support of the amendment offered by the Senator from Ohio. When we established the Office of Inspector General for the Department of Justice in 1988, we compromised by allowing, in statute, the department to have both an office of professional responsibility as well as an inspector general. Inevitably, overlapping jurisdictions provoke turf battles and confusion.

These results are undesirable. I suspect that some time soon Congress will have to revisit this statutory compromise. The recent Attorney General order—which the pending amendment would rescind—apparently has not solved the problem. The pending amendment, if enacted, would take effect in October. Thus the practical effect of the amendment is simply to draw the attention of the Attorney General to this problem in order to prompt a solution. The amendment it-

self offers no specific answers. Perhaps a new Attorney General order might work to eliminate the confusion and turf battles that have flowed from congressional ambiguity. If the Attorney General believes that the problem cannot be solved by an order, we in Congress ought to be so informed. If the amendment is enacted and nothing happens by October, Congress will be so informed.

What this amendment means is that the problem can no longer be ignored. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 701) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 702

(Purpose: To prohibit funds to be expended for the salary of the United States Commissioner of the International Boundary Commission, United States and Canada)

Mr. HOLLINGS. Mr. President, I ask the committee amendment be temporarily laid aside. I send an amendment to the desk on behalf of the distinguished Senator from Montana, Senator BAUCUS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. BAUCUS, proposes an amendment numbered 702.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, insert between lines 19 and 20, the following new section:

SEC. 503. No funds appropriated or otherwise made available under this Act or any other Act may be expended for the salary of the United States Commissioner of the International Boundary Commission, United States and Canada.

Mr. BAUCUS. Mr. President, I offer an amendment concerning the salary paid for the position of International Boundary Commissioner, a job that currently pays \$70,000 a year.

For this sum, the Boundary Commissioner oversees what may be the smallest agency in the Federal Government—the International Boundary Commission.

This agency was established pursuant to a 1908 treaty between the United States and Great Britain. Its sole function is to look after the appearance of the border between the United States and Canada; in other words, to make sure the border strip is mowed and the boundary markers are maintained.

The last person to hold this job was a Montanan. And, although he was my opponent in the last election, I can tell

you he is a very, very fine gentleman who has devoted most of his life to public service.

However, as a border commissioner, he freely admits that he worked only about 60 days each year.

Moreover, the previous commissioner described the position as "more of a hobby than a job" and refused to accept compensation for the days he did not actually work.

So \$70,000 for 60 days work. That comes out to \$1,167 per day—much too much for the work involved.

For that reason, my amendment will urge the Senate to agree to eliminate the compensation for the job. It should be an honorary job.

I think it is time to give the taxpayers a break. At the appropriate time, I will offer and urge the adoption of the amendment.

I thank my good friend from New York very much for allowing me to have this time.

Mr. HOLLINGS. Mr. President, this amendment has to do with the International Boundary Commission. It has been cleared on both sides for the Senator from Montana, am I correct, Senator?

Mr. DOMENICI. The Senator is correct.

Mr. HOLLINGS. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 702) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this time a letter from the Secretary of Commerce, Secretary Ron Brown, relative to the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,

Washington, DC, July 27, 1993.

Hon. ERNEST F. HOLLINGS,

Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for supporting the Department of Commerce's FY 1994 budget request during the Senate appropriations process. The Department strongly endorses the approach taken by the Committee.

The resources provided allow us to accomplish the President's goals and to carry out our strategic vision of supporting technology development, expanding trade opportunities, promoting stewardship of the globe environment, and enhancing economic and community development. In particular, we are gratified by the Committee's efforts to fund as much as of the "investment" package as possible. These programs support key technology, telecommunications, defense conversion, and environmental infrastructure initiatives.

Funds provided for the National Institute of Standards and Technology (NIST) will be

used to expand several successful technology initiatives, including the manufacturing extension program, which support the development, commercialization and application of new technology. The restoration of the facilities request, deleted by the House, is greatly appreciated. NIST laboratories are in urgent need of repair and replacement if the agency is to continue its leadership role in assisting U.S. manufacturing industries to maintain their leading edge in the global market place.

The Department's trade policy and promotion programs remain a high priority. We are committed to increasing U.S. exports and expanding trade opportunities abroad, and are encouraged by your strong endorsement of the Department's trade request. FY 1994 funding will ensure enforcement of U.S. trade laws, maintenance of a strong Foreign Commercial Service presence overseas, and continued assistance to the U.S. travel industry. The additional funds for Import Administration will allow ITA to help eliminate the backlog of antidumping and countervailing duty reviews.

The Committee allowance for the National Oceanic and Atmospheric Administration (NOAA) supports the Department's commitment to modernizing the National Weather Service (NWS) while maintaining the NWS base. Your allowance also addresses the problems of aging infrastructure for NOAA's fleet, aircraft, and facilities.

The Committee allowance for the National Telecommunications and Information Agency (NTIA) provides the resources and appropriations language necessary to develop a National Information Infrastructure (NII). The goal of the NII is the facilitation of the connection of the Nation's business, schools, health care facilities, and public information providers through an interactive telecommunications network. Thus, we also appreciate the Committee's support for the President's telecommunications research request.

The funding level for the Economic Development Administration significantly increases assistance through the President's Defense Conversion program, which will be a main theme of EDA's immediate future. Grants will be used to assist communities implement base reuse plans and develop long-term economic strategies for addressing defense procurement cutbacks and base closures. The Department supports the Committee's action to terminate Trade Adjustment Assistance. Through our efforts to streamline the Commerce service delivery system, we will continue to provide business assistance through the Manufacturing Technology Centers, ITA's domestic offices and the Minority Business Development Agency's (MBDA) Business Development Centers.

Funds provided for MBDA will support my commitment to upgrade and revitalize the agency. Additional resources will place the MEGA Center program on a firm footing.

Thank you again for your continued support of the President's investment items and the Department of Commerce programs. We look forward to working with you as you prepare to bring our bill to the Senate floor and to resolve differences with the House in conference.

Sincerely,

RONALD H. BROWN.

NOAA

Mrs. MURRAY. During the subcommittee markup of these appropriations a provision was added to the report directing National Oceanic and Atmospheric Administration [NOAA] to expend the balance of funds appropriated in fiscal year 1992 and fiscal

year 1993 for a new NOAA facility in Juneau.

Mr. HOLLINGS. The Senator is correct.

Mrs. MURRAY. As the chairman is aware, NOAA's Sand Point facility is an integral part of the Seattle community and that the programs and projects conducted there are important to the recreational and commercial fisheries in the whole region. It is my understanding that the provision concerning the Juneau facility is not intended to interfere or change the mission of NOAA's Sand Point facility.

Mr. HOLLINGS. That is my understanding. The provision concerning the planning and survey funding for a new Juneau, AK, facility is not intended to change or modify the work that is being conducted by NOAA's Sand Point facility.

COLUMBIA RIVER BASIN ENDANGERED SALMON

Mr. HATFIELD. Senator GORTON and I would like to engage the distinguished chairman and ranking member of the subcommittee in a short colloquy concerning funding for the official recovery team which is preparing the draft recovery plan for the Snake River salmon runs which have been declared threatened and endangered by the Secretary of Commerce.

Mr. HOLLINGS. I would be pleased to discuss this matter with my colleagues from the Pacific Northwest.

Mr. HATFIELD. As a member of the Appropriations Committee who represents one of the States affected most by the Snake River endangered salmon listings, I want to ensure that the National Marine Fisheries Service has sufficient funds in its fiscal year 1994 appropriation to fund adequately the operations and recommendations of the recovery team.

I am pleased that the subcommittee has fully funded the President's budget request for Columbia River Basin salmon and Endangered Species Act activities, and appreciate the tremendous pressures under which the chairman and ranking member have labored in developing the bill currently before the Senate. Accordingly, I support the programs and the funding levels in the bill as reported by the committee, and have no desire to alter the committee's salmon-related recommendations.

Mr. GORTON. I, too, would like to thank the chairman and ranking member of the subcommittee for fully funding the President's request for Columbia River Basin Endangered Species Act activities. Recognizing that the subcommittee's allocation was some \$1 billion below the request level, I very much appreciate the subcommittee's efforts to accommodate both Senator HATFIELD's and my concerns.

Mr. HOLLINGS. I thank the Senators for their support in developing this bill.

Mr. HATFIELD. The problem we face in the Northwest, however, is of a very serious nature as it relates to the salmon listings. The recovery team has been working for the past year and a

half in developing its draft recovery plan, and it is hoped that it will be completed and released to the public this fall. We are anxious that the recovery team finish its work and that the recovery plan can be put in place as soon as possible.

Unfortunately, there is a great deal of uncertainty involving the recovery team's process. The team is unable to determine when its work will be completed and when the plan will be enacted by the Department of Commerce. I am concerned that unforeseen expenses relating to either the recovery team's preparation of its plan or the activities required by the plan could hinder its implementation.

For this reason, and considering the serious nature of the listings and their potential impact on the environment and economy of the Columbia River Basin, I would propose that in the event that funds are found to be insufficient to meet the needs of the recovery team or any monitoring or evaluations which may be required by the recovery plan, that NOAA use its transfer authority to provide the necessary funds. Specifically, I believe that NOAA would have sufficient funds in its construction account that could be transferred to its operations, research, and facilities account to fund the recovery team's activities if the need arose.

Mr. HOLLINGS. I understand the importance of the threatened and endangered salmon listings to the Members from the Pacific Northwest, and believe this to be a reasonable request. I would join my colleagues in urging NOAA to transfer funds from its construction account to its operations, research, and facilities account to cover any funding deficiencies associated with the recovery team's activities.

Mr. DOMENICI. I concur with the comments of the subcommittee chairman, and will work with my friends from the Pacific Northwest and NOAA to ensure that the recovery team's operations and recommendations will be funded adequately.

Mr. HOLLINGS. I think the agreement now is the distinguished Senator from North Carolina is to be recognized.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I believe I will wait until we have a modicum of order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. The Chair recognizes the Senator from North Carolina.

AMENDMENT NO. 703 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 8, LINE 16

(Purpose: To restrict assistance for Nicaragua until certain conditions are met)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated including the names of the distinguished Senators who are cosponsors and ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DOLE, Mr. COVERDELL, Mr. MCCAIN, Mr. MACK, Mr. D'AMATO, Mr. COCHRAN, Mr. PRESSLER, Mr. SMITH, Mr. CRAIG, Mr. NICKLES, Mr. BROWN, Mr. LOTT, Mr. GREGG, Mr. MURKOWSKI, Mr. BURNS, Mr. WALLOP, and Mr. MCCONNELL, proposes an amendment numbered 703.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, insert the following:

"RESTRICTION ON ASSISTANCE FOR NICARAGUA

(a) RESTRICTION.—Funds appropriated or otherwise made available under this or any other Act, including any funds which were obligated but not expended under any prior Act—

(1) may not be obligated or expended for the Government of Nicaragua; and

(2) may not be obligated or expended to any other country or international financial institution for reduction of any Nicaraguan indebtedness to that country or institution, until the President certifies to Congress that—

(A) the Government of Nicaragua has identified, apprehended, and brought to justice all individuals responsible for the provision of Nicaraguan passports discovered in connection with the February 26, 1993, bombing of the World Trade Center in New York;

(B) an independent international investigation, with the participation of appropriate United States law enforcement personnel, into the origins, leadership, funding, and activities of the international criminal network revealed by the explosion in Managua, Nicaragua, on May 23, 1993, has occurred and that the Government of Nicaragua has fully and completely implemented all recommendations of the investigation; and

(C) none of the senior officials of the Government of Nicaragua, including officials of the Sandinista Popular Army, the Sandinista National Police, and all intelligence services, is involved in, or provides support for, or any act of international terrorism.

(b) REPORT.—Not later than 30 days after the date of enactment of this section, the Secretary of State shall, in consultation with the Federal Bureau of Investigation, the Immigration and Naturalization Service and any other appropriate Federal agency, submit a report to Congress on the extent of involvement by the Government of Nicaragua in international terrorist and criminal activities since April 25, 1990. Such report shall—

(1) include information on terrorist groups with an office or presence in Nicaragua and on arms storage in and arms smuggling and trafficking from Nicaragua;

(2) include information on the use of Nicaraguan passports in international terrorist activities, including the February 26, 1993, bombing of the World Trade Center;

(3) state whether the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) concerning Nicaragua's support for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(4) state whether the Secretary of State has made a determination under section 520A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) concerning Nicaragua's support

for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(5) state whether the President has made a determination under section 554 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102-391) concerning Nicaragua's support for international terrorism and, if the President has not made such a determination, shall contain a detailed explanation of the reasons for not doing so; and

(6) include information on individuals or groups in the United States who aid or abet guerrilla or terrorist operations in violation of U.S. law in Nicaragua.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply with respect to funds made available under chapter 9 of part I of the Foreign Assistance Act (relating to disaster assistance) if such funds are notified in advance in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2393a).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Government of Nicaragua" means the government, any political subdivision thereof, and any agency or instrumentality thereof, including the armed forces and the security forces, and the judiciary, of Nicaragua;

(2) the term "international financial institution" includes the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Central American Bank of Economic Integration, and the International Monetary Fund; and

(3) the term "senior official" refers to—

(A) a vice-minister or minister of a government ministry;

(B) a director or deputy director of a government institute or parastatal;

(C) an individual with the rank of lieutenant colonel, or with an equivalent rank or above, in the armed forces or intelligence services; or

(D) an individual with the rank of sub-commander or above in the national police."

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, the word is out and the world has now been made aware of the terrorist network operating out of Nicaragua. Last year the Republican staff of the Senate Foreign Relations Committee completed an exhaustive report which detailed, among a multitude of other sins, the terrorist network based in Nicaragua. There was much hooting and howling among the liberal news media at that time, who declared Madam Chamorro to be impossible of error and discounted reports that anything of a serious nature was going on in Nicaragua. Once again, the liberal media were wrong.

Mr. President, we should have order in the Senate, please.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order.

Mr. HELMS. I thank the Chair.

On May 23 of this year, a massive weapons cache accidentally exploded in Managua, Nicaragua.

It was a sophisticated arsenal with tons of weapons which included millions of rounds of ammunition and 19 surface-to-air missiles. This cache was a sort of one-stop shopping center for terrorists. There were hundreds of passports from many countries available. There were stamps for marking both entry and exit on passports and dozens of false driver's licenses and identification cards.

So Nicaragua now stands exposed as the headquarters of a multinational terrorist enterprise with tentacles spreading around the world. Documents found after the explosion revealed an elaborate network of kidnapping and terror which operates throughout the hemisphere, working closely with the Basque-Spanish terrorists, among others. Also uncovered, Mr. President, was evidence of operations in and links with terrorists from Chile, Mexico, Brazil, and many other countries.

So now it is clear that Nicaragua is continuing subversion of its more immediate neighbors. The FMLN guerrillas from El Salvador stashed their weapons in Nicaragua, in blatant violation of the Salvadoran peace accord. The U.N. Secretary General termed the FMLN's use of the arms cache as, and I quote him, "the most serious violation to date" of the Salvadoran peace agreement.

This discovery should come as no surprise, Mr. President, when one recalls seven Nicaraguan passports were discovered in connection with the bombing of the World Trade Center in New York City. For more than 20 years, the Sandinistas in Nicaragua have had links with terrorist groups on three continents. They are part and parcel of what one expert called "the network of ideologically exhausted Marxist extremist groups."

Nicaragua maintains full diplomatic relations with the PLO, with Libya and with Cuba. Cuba's Ambassador to Nicaragua is now under indictment in the United States, by the way, for narcotics trafficking.

There should be no doubt about the nature of the Nicaraguan regime that is known to have murdered hundreds of former freedom fighters. Virtually nothing has been done about the thousands of pieces of property stolen from American citizens in Nicaragua. The Communist Sandinistas completely control the Nicaraguan armed forces, the police, the intelligence service, the immigration service, the courts, and the legislature. President Chamorro has charmed the U.S. State Department and the gullible news media in Washington, New York, and elsewhere. But the most charitable assessment of this lady is that she is not now, and never has been, in control of the Government she was elected to head in 1990.

But let there be no doubt that the Sandinista military intelligence apparatus is and has been running the show in Nicaragua. These Communist thugs

knew full well about that arms cache, to which I referred just a minute ago, and many more of these caches, which no doubt exist but which have not yet been uncovered.

By the way, Mr. President, to show you how sophisticated all this is, there was one vault which contained hydraulically operated metal doors and a series of chambers connected by a tunnel network. When United States Ambassador-designate to Nicaragua, John Maisto, was asked last week whether he had any doubt about the Nicaraguan military's knowledge of the arms cache, he responded, "absolutely not."

So, Mr. President, the pending amendment, which is cosponsored by 17 distinguished Senators, is very simple: It withholds foreign aid until President Clinton, or whoever is President at the time, certifies that: one, the Government of Nicaragua has brought to justice all Nicaraguans involved in providing passports in the World Trade Center bombing case; two, that an independent investigation into the Nicaragua terrorist network has been conducted; and, three, that no senior official of the Nicaraguan Government is involved in supporting international terrorism.

The pending amendment does not prohibit the delivery of disaster assistance for the long-suffering people of Nicaragua, but it does cut off all aid to the disastrous Government of Nicaragua.

Finally, the amendment calls for a report on the terrorist network in Nicaragua and specifically whether the administration has determined Nicaragua is a state sponsor of terrorism in accordance with various provisions of United States law.

I reiterate, the pending amendment is cosponsored by the distinguished Republican leader, Mr. DOLE, as well as Senators COVERDELL, McCAIN, MACK, D'AMATO, COCHRAN, PRESSLER, CRAIG, SMITH, NICKLES, BROWN, LOTT, GREGG, MURKOWSKI, BURNS, WALLOP, and MCCONNELL. I urge all of my colleagues to support this simple provision to stop sending U.S. aid to a government which is, in the words of the Miami Herald, "a terrorist haven."

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to express my appreciation to my colleague from North Carolina for his amendment, but in addition I would like to thank him for his continued efforts to bring about peace and stability in Central America, and for his long involvement in these issues.

I note the presence of the distinguished Senator from South Carolina, the chairman of the Commerce Committee. I would also like to note his long, many years of involvement on this issue, his support for those who struggle for freedom in Nicaragua and other places throughout the world, and

his strong support for free and fair elections in El Salvador.

So I find myself on the floor with friends of freedom and democracy. I say that not because we are of a like mind, but because I think the record proves that we have come a very, very long way in bringing about peace and freedom in Central America. But recent events clearly indicate that we have a long way to go.

As Senator HELMS mentioned, recent press reports have brought to light a situation in Nicaragua that those of us interested in issues affecting the hemisphere have been concerned about for some time.

An explosion in Managua on May 23, 1993, revealed caches of arms and information concerning a terrorism and kidnapping campaign of massive proportions.

The volume of munitions found that day in the ruins of an auto repair shop would exceed the imagination of some of our century's most infamous terrorists: Antitank mines; C-4 explosives; 81 millimeter mortars; 60 millimeter mortars; machine guns; rocket launchers; Soviet-made SAM 7's; TNT; detonators; rifles; grenades; grenade launchers; and ammunition for .50 caliber and M-60 machine guns.

Unfortunately, Mr. President, this list is only a partial one. It cannot account for the munitions lost in the explosion, an explosion so great that it destroyed 23 houses and 21 vehicles and scattered human remains in a 300-meter radius around the auto repair shop.

In addition to the cache of arms, authorities investigating the explosion found evidence that the Sandinistas have been supplying more than arms to our hemisphere's terrorists. One diplomat has described the contents of the vault as a "one-stop shop" for terrorists. The aspiring terrorist had not only his pick of weapons but could choose from passports of 21 different nations, passport stamps, driver's licenses, and ID cards.

If the terrorist was in need of additional targets or unsure about the whereabouts of his intended victim, he might also obtain assistance in Managua. Uncovered on May 23 were details of a Marxist kidnapping scheme targeting wealthy businessmen and influential people throughout the hemisphere. Dossiers found in Managua listed more than 100 potential kidnapping targets and detailed their daily habits. Many of the targets were subjects of brief written profiles and appear from the dossiers to have been stalked by Marxist terrorists.

Most importantly and quite ominously, the discovery of this "one stop shop" has serious implications for the investigation of the World Trade Center bombing. It might be remembered that passports in the possession of individuals apprehended in connection with the World Trade Center bombing have been traced to Nicaragua.

In an effort to assess the extent of Sandinista terrorist activities throughout the hemisphere, the amendment offered by Senator HELMS, myself, and others halts United States assistance to Nicaragua until the President certifies to Congress that no senior Nicaraguan officials are involved in international terrorism and that an independent international investigation into Sandinista terrorist activities has taken place.

The amendment further conditions United States assistance to Nicaragua on bringing to justice those individuals responsible for providing passports to suspects in the February 26, 1993, bombing of the World Trade Center.

The terrorism of the Sandinistas has undermined the stability of Latin America for over a decade and many of us interested in peace in the hemisphere have said as much. Now their terrorism threatens Americans here at home.

Not a dime of United States assistance should go to Nicaragua until we have uncovered the extent of the FSLN's connection to the World Trade Center bombing, and revealed the true extent of the Sandinista terrorist network.

There is a vision of the future shared by the elected leaders of the Western Hemisphere. It is a vision embodied in the North American Free-Trade Agreement; the Enterprise for the Americas Initiative; and the democratic, free-market reforms that are sweeping Latin America. It is a vision that seeks to write a new, more hopeful chapter in United States-Latin American relations; one based on mutual respect, free markets and free minds.

I think I speak for my colleagues when I say that with the collapse of international communism, the election of Violeta Chamorro in Nicaragua, and the conclusion of a peace accord for El Salvador, we are ready on a bipartisan basis to face this brave new world.

We must remember, however, as we act on this bold vision, that there are still elements throughout Latin America that would see it thwarted. In their struggle for power and the legitimization of tyranny, these elements hold firm to the maxim that the ends justify the means.

Nothing is more indicative of the insidious threat that undemocratic forces wielding this philosophy still pose to our vision for the hemisphere than the information that was exposed in Managua on May 23.

Many of us not only warned of the terrorist activities of the FSLN but recognized that when Violeta Chamorro retained Humberto Ortega as the commander in chief of the Sandinista Popular Army, these activities would probably continue.

Unlike the United States Armed Forces, which are precluded from bringing their power to bear in the political affairs of the Nation, the Sandinista Army serves as an organ of the party. It was at the disposal of the

Sandinista leadership throughout the 1980's and it remains at their disposal today.

A recent article in the New York Times indicates that perhaps this army has even continued in the needless slaughter of their own civilians.

"Nicaraguans Say Army Had a Hand in Attack" is the lead article, and it concerns an attack by Sandinista soldiers against what appeared to be rebels at the time.

Apparently, and I quote from the article:

Diplomats say that a closer examination of the attack strongly suggests complicity at the highest levels of the country's army, which remains under Sandinista control although the Sandinistas lost the elections in 1990.

Many residents of this town, long a Sandinista bastion, say they believe the attack by disgruntled, demobilized Sandinistas on Wednesday was planned, mounted and terminated with the involvement of the country's armed forces.

Mr. President, I ask unanimous consent that this article in its entirety be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 26, 1993]

NICARAGUANS SAY THE ARMY HAD A HAND IN ATTACK

(By Howard W. French)

ESTELI, Nicaragua, July 25.—At first blush, the attack of former Sandinista soldiers against this provincial town last week appeared to be a simple affair, but almost as soon as the guns went quiet a darker picture of intrigue and betrayal began to emerge.

Diplomats say that a closer examination of the attack strongly suggests complicity at the highest levels of the country's army, which remain under Sandinista control although the Sandinistas lost the elections in 1990.

Many residents of this town, long a Sandinista bastion, say they believe the attack by disgruntled, demobilized Sandinistas on Wednesday was planned, mounted and terminated with the involvement of the country's armed forces. The resurrected Sandinistas, who used to refer to one another as *compaños*, now call themselves the "Recompas."

"From inside it sounded as if the Vietnam War was being fought all over again," said one of the town's businessmen, describing the Nicaraguan Army's recapture of Esteli on Thursday amid the boom and clatter of helicopters firing rockets and thick streams of automatic-weapons fire. "But when you took a peek outside, you realized that most of the shooting was aimed at the sky. Then, when the Government decided they wanted to end it, suddenly they just cleaned up."

\$4 MILLION REPORTED TAKEN

In the capital, Managua, diplomats said that the attack on Esteli had been openly planned for weeks by a former Sandinista major, Victor Manuel Gallegos. Major Gallegos escaped unharmed in broad daylight with a reported \$4 million stolen from local banks.

Diplomats and many Nicaraguans who see the fighting in Esteli as another sign that the country's transition to democracy is veering dangerously toward failure, say that the attack on the town reveals the complex layers of rivalry and betrayal common in the increasingly violent shadow games of Nicaraguan politics.

The army commander, Gen. Humberto Ortega, a Sandinista whose retention of his command after the opposition won democratic elections in 1990 has been a steady source of tension, strongly denied army involvement in the attack on the town.

Instead, he proclaimed the operation a great success for the army and condemned the Government for creating conditions that were seeding violence in the country.

LACK OF HELP NOTED

For months, the 78,000 demobilized Sandinista soldiers and 25,000 former contra rebels have been grumbling that despite a series of pardons and promises of economic aid the Government had done little to generate economic growth or help in their return to productive civilian life.

Some diplomats and Nicaraguans say General Ortega, the brother of Daniel Ortega, the President under Sandinista rule, faced mounting opposition from disgruntled former Sandinista soldiers who had fallen under the sway of the more radical elements of their political movement.

Among their grievances is the complaint that by participating in the Government of the civilian President, Violeta Barrios de Chamorro, the Sandinista movement is discrediting itself.

Despite the fact that the Government is widely seen as broadly accommodating in its approach to the Sandinistas, Daniel Ortega delivered a fiery speech last week in which he warned that only profound changes would allow the Government to survive the remaining three years of its six-year term. Far from an attempt to distance the Sandinistas from the Government, Mr. Ortega's speech was viewed by many here as a bid for a senior role for himself.

General Ortega recently urged Mrs. Chamorro to extend a pardon to more radical Sandinista elements in an effort to neutralize them, diplomats said.

Having failed to obtain the pardon, diplomats say, General Ortega allowed the Reconcompas' attack on Esteli to proceed, even though it had been publicly announced at least two weeks in advance.

Supporting this view, the diplomats say, is the fact that the buses carrying the 120 or so Reconcompas into Esteli passed unmolested by the army camp at the city's gates. Furthermore, soldiers based in and around the town waited at least three hours before responding.

When the time came to put an end to the operation, army soldiers killed a reported 41 of the rebels, who many say had been led to expect more gentle treatment by their former comrades. In one sweep, diplomats said, General Ortega eliminated potentially troublesome rivals and positioned himself as savior of the nation's order and security.

"This whole thing is about as cynical as you can get," said a Latin American diplomat. "We had meetings with soldiers and police in Esteli 10 days ago who told us this attack was coming. What we are talking about here is the sacrifice of lives: the lives of the rebels, the lives of the soldiers, but mostly the sacrifice of lives of ordinary people."

FORMER CONTRAS TAKE UP ARMS

While the army has flirted with the Reconcompas, Nicaragua's conservative politicians have forged ties with the former contras, formerly supported by the United States, who now call themselves Re-Contras. They too have increasingly begun to take up arms.

In the most striking example of these ties, the Vice President, Virgilio Godoy Reyes, an outspoken critic of his own Government's collaboration with the Sandinistas, recently traveled to areas patrolled by these rebels to visit with their leaders.

"They wanted to express their grievances at the highest level, and I just went to hear them out," Mr. Godoy said, defending himself in an interview against widespread criticisms.

Critics of Mr. Godoy and other conservative politicians like him say they are providing moral and perhaps other kinds of support to the Re-contras, encouraging them to build up a force that could act as a proxy in a political struggle against the Government of Mrs. Chamorro, which conservatives say long ago sold out to the Sandinistas. The Re-contras have also drawn sustenance recently from volatile groups of anti-Castro Cuban exiles based in Miami, which have openly acknowledged sending them money.

Operating in a broad band of territory in the north of the country, the Re-contras, who claim to number 4,800, but are widely believed to be considerably fewer, have many of the same grievances as their former Sandinista Army enemies: the lack of land, credits and jobs. On top of this however, the most emotionally potent element of discontent for many of the Re-contras is the slaying of what they estimate to be 200 of their comrades at the hands of the Sandinista Army since the civil war ended.

Mr. MCCAIN. In my estimation and that of many other well-informed observers, the caches of arms and documents uncovered on May 23 could not have existed without the knowledge and cooperation of the FSLN and the Sandinista Popular Army.

In fact, there were eyewitness accounts on the morning of May 23, of Thomas Borge, one of the founders of the FSLN and former Interior Minister, arriving on the scene of explosion in his pajamas. Mr. Borge, who incidentally holds no position in the current Nicaraguan Government, has a history of successfully manipulating the Sandinista power structure to his advantage. He also has a history of ties to the Basque Separatist movement, individual members of which seem to have been closely involved in the management of the arsenal in Managua.

I am certain that the damage Mr. Borge was there to assess on the morning of May 23 had nothing to do with the pain and misery caused by the explosion. Knowing Mr. Borge, it is more likely that he was there to survey the damage to his own power base and to assist his Basque caretakers.

The investigation to date by Nicaraguan authorities has not been sufficient, and frankly, given the pervasive power of the Sandinistas from the rank and file of the militia to the office of the Presidency, I doubt it will ever be thorough. My guess is that if left to the Nicaraguan Government, the investigation will dismiss the information uncovered on May 23 as a vestige of an earlier era.

The discoveries cannot be so easily dismissed.

As was the case before the election of Violeta Chamorro in 1990, the Sandinistas have far more military equipment than they can ever use, including hundreds of thousands of assault weapons, and millions of rounds of ammunition.

The evidence, and much of the public record, indicate that the Sandinistas

are not allowing the surplus of arms to go to waste. There has been an unmistakable and consistent pattern of Sandinista weapons trafficking over the last 3 years.

In May 1990, only months after Violeta Chamorro was sworn in as President of Nicaragua, reports surfaced that following their defeat, the Sandinistas had managed to make 19 new arms shipments to their allies.

In fact, despite Nicaraguan protests that such activity was only recently discovered, as early as September 1990, the Nicaraguan Government itself acknowledged that the Sandinistas were providing arms to the FMLN, the guerrilla movement in El Salvador.

There have been a great many more such discoveries between now and then, including arms uncovered on May 23 which the FMLN freely acknowledged were destined for El Salvador. Additional caches of weapons for the FMLN were uncovered in Nicaragua on June 5, June 7, and June 12.

Arms originating from Nicaragua have been found on their way to Communist guerrillas in Guatemala and in the hands of Columbian terrorists, Chilean terrorists, and Honduran terrorists. As recently as a couple months ago, arms from Nicaragua destined for Colombian drug lords were found in Costa Rica and Panama.

Let there be no mistake. The arsenal uncovered on May 23 is not the vestige of an earlier era. It is another chapter of the current era in which the expressed will of the Nicaraguan people has been subverted by a shrewd, well-armed minority with a penchant for international terrorism.

I have always been proud of my support for freedom in Nicaragua generally, and my past support for President Chamorro specifically. To my deep disappointment, the prospect for freedom in Nicaragua—so vivid on the day of President Chamorro's inauguration—has been squandered by her government.

This loss of control continues to threaten nations beyond Nicaragua's borders and far from her soap opera-like family squabbles.

The American people would be hard pressed to understand how the U.S. Government could continue supporting a government which poses a direct threat to the security of other nations in this hemisphere, including our own.

I ask that the Senate support Senator HELMS' amendment and our efforts to limit assistance to Nicaragua until we can fully assess and put a stop to their involvement in international terrorism.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina and my colleagues of which I am

an original cosponsor. Like Senator McCAIN, I had the opportunity to help celebrate a new democracy in our hemisphere when I attended the inauguration of Madam Chamorro in Managua in 1990. Nobody could have been present on that beautiful day and not have been moved by the democratic accomplishments of the people of Nicaragua.

I think in the celebration perhaps too many of us forgot what was about to be inherited. That was an effort to create a democratic government in the direct line of fire of an armed adversary, the Sandinista Army.

The task left to Madam Chamorro, in my judgment, was too great. It took too far a reach, and we are now seeing the result.

I again visited Nicaragua in late April and May of this year. I met with the President, her advisers, the foreign minister, the Tripartite Commission—which is investigating murders—and other distinguished citizens of Nicaragua. After several intense days of discussions, my final meeting was with Foreign Minister Leal. I suggested to him my concern for what their government was confronted with and what they were endeavoring to do, but said that unless the Government of Nicaragua can resolve three issues, its prospects would be very, very dark.

The first major problem is a lack of respect for property rights. There can be no investment in Nicaragua without a resolution of the thousands of cases of properties that were seized by the Sandinistas and others, and for which the Chamorro government, no matter its effort, has been unable to resolve. Foreign interests with foreign investment, without any confidence of the security of their property cannot be made. Without foreign investment, Nicaragua cannot recover.

The second key problem in Nicaragua is that of human abuses. I met, as I said, with the Tripartite Commission, with each member. There can be no doubt that human rights violations are regularly occurring with impunity and with no resolution. The other day Ambassador-designate Malsto was speaking to the Foreign Relations Committee. He read the charge, as he understood it, from President Clinton. The charge said, "You are instructed to promote human rights." Property and civil rights do not receive full protection in Nicaragua.

The third problem is lack of civilian control over the military. In the meeting with Minister Leal, I said,

In the final analysis, so long as Nicaragua is confronted with Umberto Ortega, and Lenin Cerna, head of the intelligence, the prospects remain gloomy because the government effort, however good, however qualified, are overpowered by an army that still holds its allegiance to the principles of the Sandinistas.

At the end of the discussion in the Foreign Relations Committee, four questions were asked the Ambassador-designate regarding promises made by

the Nicaraguan Government to the U.S. Government. Have the Nicaraguan Army members accused of murdering ex-resistance fighters been sentenced or brought to justice? A very important question. The Ambassador-designate said, "No."

Have 85 percent of the claims of American property holders in Nicaragua been adjudicated as promised? The Ambassador-designate said, "No."

Has a human rights ombudsman been created for Nicaragua? The Ambassador-designate said, "No."

Has legislation been submitted in Nicaragua that would limit the term of service of military officers like Ortega? Surprise. The answer again was, "No."

We have been debating for some time about giving the Chamorro government room to deal with internal matters. That is a reasonable argument. But I suggest that when this military cache that was just described by Senator HELMS and Senator McCAIN was discovered, and when we found a plot of passport violations and transgressions, when we found a cache subject to support of terrorism throughout the world, when we found a list of targets, international targets for kidnapping, we moved into a new era, one of international involvement and pressure. It is no longer an internal matter. It is now an international matter and one that is occurring in our backyard, in this hemisphere.

I suggest that rather than proceed with the idea that, if we just send some more money, this will work itself out, it has come to the point that what the Chamorro government needs most is an outside ally that will bring pressure to help her bring balance to the situation in Nicaragua and help put this Sandinista Army to the side.

In closing, Mr. President, let me simply say that this is a small country, we are not talking about a large population, but it is in our hemisphere. We are talking about our attitude toward democracy in our hemisphere. We are engaged at this very moment, I think by everybody's acknowledgment, in the definition of what the world will be, what our hemisphere will be in the balance of this decade and in the new century. And in that context, these activities that are occurring in our hemisphere in Nicaragua, in our backyard, deserve our undivided attention. And the best alliance that we could make to this government right now is embraced in the amendment that is offered by the Senator from North Carolina.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. HOLLINGS.

Mr. HOLLINGS. Mr. President, I commend the distinguished Senator from Georgia on his very comprehensive statement relative to Nicaragua and the amendment by the distinguished colleague from North Carolina. I was charmed by Chamorro, and I have been just as disappointed as all of us at

the trend of occurrences down in Nicaragua.

If I were the President of Nicaragua's lawyer, though, I would just say just like we do not do this and we do not do that, I would counsel, I would say, "Tell that United States Senate up there that they don't know what they are doing," because we are directing remarks about sending money down to Nicaragua, and there is not a red cent in this bill for Nicaragua. I only have to make this comment in observation to try to get our colleagues to withhold for the foreign relations authorization bill, which will be momentarily on the floor and will be appropriate. The judicial crime bill and otherwise from the judiciary committee will be on the floor. And the terrorism amendment will be appropriate there. You are going to have this particular committee of yours going into conference on the other side with all kinds of things pertinent to everybody else but our particular concern and jurisdiction. I say that in all sincerity. I favor the amendment.

I think it is well conceived, and I think a notification should be given. I think this is an inappropriate way, and I am not going to raise any point. In fairness to the distinguished chairman of the Foreign Relations Committee—excuse me, Senator HELMS is the ranking member, I believe—and the ranking member, I try to respect your jurisdiction. That is all I am trying to say. I hope these 60 amendments we have listed, 30 of which have nothing to do with our bill, but everybody wants to get up here and demonstrate. If we can cut off the lights and go back to how we did it in the old times and talk to each other, we can get through this bill in the next hour. But I do agree with what you are saying.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment, as the Senator just stated, relates to foreign assistance provided under the Foreign Assistance Act, and that would properly be addressed in the Foreign Relations Committee. The committee will be marking up the fiscal year 1994 foreign assistance reauthorization bill soon and will address this important issue at that time.

There are obviously troubles and problems in Nicaragua that deserve to be looked over. I am not sure this is the right wording. I hope that if this survives, the wording could be adjusted so that it is not quite as restrictive.

In any case, I do not think it belongs in this bill at this point. I wanted to make that a matter of record.

The PRESIDING OFFICER. Is there further debate?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 23, as follows:

(Rollcall Vote No. 222 Leg.)

YEAS—77

Akaka	Ford	Mathews
Baucus	Glenn	McCain
Bennett	Gorton	McConnell
Bond	Orin	Mohr
Bradley	Gramm	Murkowski
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Hatch	Packwood
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Chafee	Hollings	Reid
Coats	Hutchison	Riegle
Cochran	Inouye	Robb
Cohn	Jeffords	Rockefeller
Conrad	Johnston	Roth
Coverdell	Kassebaum	Sasser
Craig	Kempthorne	Shelby
D'Amato	Kennedy	Strom
Danforth	Kerry	Smith
Daschle	Kohl	Specter
Dodd	Kohl	Stevens
Dole	Lautenberg	Thurmond
Domenici	Leahy	Wallops
Dorgan	Lieberman	Warner
Eaton	Lott	Wofford
Faircloth	Mack	

NAYS—23

Biden	Feingold	Mitchell
Bingaman	Feinstein	Mosley-Braun
Boren	Harkin	Murray
Boxer	Hatfield	Pell
Bumpers	Levin	Sarbanes
Campbell	Lugar	Simon
DeConcini	Metzenbaum	Wellstone
Durenberger	Mikulski	

So the amendment (No. 703) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I just want to briefly say that I voted for the last amendment, the Helms amendment.

I would say to my good friend—I see he is still on the floor—I was not terribly enthusiastic about the amendment or some of the language in it. But I would say to my colleagues, to have rejected the amendment and say that we do not care about these issues would have been a far greater error, in my view.

There is a serious situation in Nicaragua. It deserves our collective attention. There is a serious problem with terrorism. The Senator from North Carolina is correct in identifying it.

My hope is that we can come up with some language here that will allow, at some point, for some aid to go forward, with the clear understanding that these issues need to be addressed.

So I voted for the Helms amendment. I think it was important that we send that message.

I am also hopeful that, at the appropriate time, at a different place, we can have some language that reflects, I think, a better way to proceed on a very legitimate issue.

But I did not want the moment to pass without expressing those views. Mr. President.

UNANIMOUS CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, we are ready to move along now.

I have a unanimous consent agreement on two committee amendments that have been agreed to. Thereupon, we are going to hopefully recognize the distinguished Senator from Arizona—he has an amendment that we will accept—and then move to the amendment of the Senator from Nevada.

Mr. President, I ask unanimous consent that the two committee amendments be adopted en bloc: One on page 8, line 16; and one on page 72, line 25, through line 10 on page 73.

Mr. DOMENICI. We concur, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 704

Excepted committee amendments on page 8, line 16, page 72, line 25 through line 10 on page 73 were agreed to.

(Purpose: Concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. D'AMATO, Mr. MIKULSKI, Mr. GLENN, Mr. MCCAIN, Mr. DASCHLE, Mr. WOFFORD, Mr. SARBANES, Mr. RIEGLE, Mr. MOYNIHAN, Mr. FEINGOLD, Mr. BYRD, and Mr. DODD, proposes an amendment numbered 704.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE REMOVAL OF RUSSIAN ARMED FORCES FROM THE BALTIC STATES.

(a) FINDINGS.—The Congress finds that—

(1) the armed forces of the former Soviet Union, currently under control of the Russian Federation, continue to be deployed on the territory of the sovereign and independent Baltic States of Estonia, Latvia, and Lithuania against the wishes of the Baltic peoples and their governments;

(2) the stationing of military forces on the territory of another sovereign state against the will of that state is contrary to international law;

(3) the presence of Russian military forces in the Baltic States may present a destabilizing effect on the governments of these states;

(4) the governments of Estonia, Latvia, and Lithuania have demanded that the Russian Federation remove such forces from their territories;

(5) Article 15 of the July 1992 Helsinki Summit Declaration of the Conference on Security and Cooperation in Europe specifically calls for the conclusion, without delay, of appropriate bilateral agreements, including timetables, for the "early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States";

(6) the United States is aware of the difficulties facing the Russian Federation in resettling Russian soldiers and their families in Russia, and that the lack of housing is a factor in the expeditious removal of Russian troops;

(7) the United States is committed to providing assistance to the Russian Federation for construction of housing and job retraining for returning troops in an attempt to help alleviate this burden; and

(8) the United States is encouraged by the progress achieved thus far in removal of such troops, and welcomes the agreement reached between the Russian Federation and Lithuania establishing the August 1993 deadline for troop removal.

(b) POLICY.—The Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

Mr. DECONCINI. Mr. President, I am going to take the liberty of reading one paragraph of the amendment before us. It is the last paragraph, entitled "Policy."

The Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

Mr. President, despite considerable progress of withdrawal efforts, approximately 30,000 Russian troops remain on the territory of the independent Baltic States of Estonia, Latvia, and Lithuania. These troops, a vestige of the Soviet era, are now under the command of the Russia Federation.

The Baltic States want these troops out, and both the CSCE—The Commission on Security and Cooperation in Europe—and the United Nations have called for the removal of all foreign troops from the Baltic States. It is high time that all of these troops and their equipment be removed.

The Russian Government and the Governments of the independent Baltic States have been holding negotiations on a variety of subjects, including the troop withdrawals. There are an estimated 6,000 troops in Estonia and another 19,000 in Latvia. Moscow and Vilnius had reached agreement on removing troops from Lithuania by August 1993. Approximately 7,500 troops are currently deployed in Lithuania. The latest word from the Russian regional commander is that the withdrawal from Lithuania can be completed no earlier than August 1994—a year later than agreed.

The continued presence of Russian troops in Latvia, Lithuania, and Estonia is a violation of the sovereignty of these States. It also poses a threat to stability in the region. Unsanctioned flights by Russian Air Force planes continue to violate the airspace of these countries, for example.

I understand the difficulty that the Russian Government is experiencing in providing quarters for returning soldiers. It is estimated that adequate quarters are lacking in Russia for 120,000 officers and families removed

from Germany, Poland, and the Baltic States.

To help address this problem, at the Vancouver summit, the United States made a commitment to provide \$6 million for construction of housing and job retraining for returning troops. A request for additional funds is currently pending.

The amendment I offer today calls upon the Government of the Russian Federation to continue to remove its troops from all three Baltic nations through a firm, expeditious, and conscientiously observed schedule.

The Baltic States will not be truly free until the last Russian soldier has left their territory.

I urge my colleagues to support this amendment as a demonstration of our continued concern over this important issue. Its timely adoption will send a signal to Moscow that it is high time that it get its troops out of the Baltics once and for all.

This is cosponsored by the Senator from New York, Senator D'AMATO, the Senator from Maryland, Senator MIKULSKI, the Senator from Ohio, Senator GLENN, my distinguished colleague from Arizona, Senator MCCAIN, the Senator from South Dakota, Senator DASCHLE, the Senator from Pennsylvania, Senator WOFFORD, the Senator from Maryland, Senator SARBANES, the Senator from Michigan, Senator RIEGLE, and Senator MOYNIHAN of New York.

I understand it has been cleared.

The PRESIDING OFFICER. Does the Senator offer this amendment as an amendment to the committee amendment on page 71 of the bill?

Mr. DECONCINI. Yes, Mr. President, that is correct.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, I rise in support of the amendment of my friend from Arizona. I appreciate his long involvement on this issue. I think it is an important one. We have three small countries that are making successfully the transition from nearly 50 years of Communist oppression to a democratic free enterprise system, and one that fully deserves to be free of the occupation of foreign troops on their soil.

I would like to draw a comparison. Suppose that following our war with Japan, we had continued to station, without their permission, American troops on Japanese soil, some 40 to 50 years after the conclusion of World War II. There is a comparison there, Mr. President, because as you know, Latvia, Estonia, and Lithuania, were given to Russia as a result of the infamous Stalin-Hitler Nonaggression Pact signed in 1940. Those countries were literally given to the Soviet Union. They deserve their independence.

The United States, I am proud to say, supported their independence throughout the cold war period. They have gained their independence, and the fact

is they are still occupied by Russian troops.

I understand, and the amendment of Senator DECONCINI indicates that he understands the problems of housing Russian officers and men within Russia, but the fact is the United States has already given \$6 million for that purpose and more is forthcoming. There is no reason for delay.

There is no reason for these three small wonderful countries—I have had the opportunity to visit two of them—to be continuously occupied by a foreign nation's troops.

I thank my colleague from Arizona for his amendment. I support it strongly and I hope the message of this Senate and this Congress is received by the Government of Russia.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. HOLLINGS. Mr. President, the amendment has been cleared on this side.

Mr. DOMENICI. We have no objection to the amendment.

Mr. HELMS. Mr. President, I support the amendment of the Senator from Arizona [Mr. DECONCINI], which reiterates United States support for the removal of Russian troops from the Baltic States. I ask unanimous consent that I be added as an original cosponsor of this amendment.

The provision reinforces current United States policy: Russian troops are expected to leave the Baltic States as expeditiously, orderly, and conscientiously as possible—and this means no excuses and no unnecessary delays.

Mr. President, I respect President Yeltsin and I commend him for the brave steps he has taken as the leader of Russia to overturn the Soviet legacy—including the imperial legacy of the Communist empire. In fact, no other than President Boris Yeltsin himself led the West into recognition of the Baltic governments previous to and following the demise of the Soviet Union in 1991.

Yet, President Yeltsin has been increasingly pushed by the elements of the Russian Parliament and his government to take a more aggressive stand—including the threat of sanction and/or military action against Estonia. The Russian military has been even more aggressive. It continues with military exercises designed to simulate the capture of the Baltic States.

Although Russian troops are scheduled to leave Lithuania by August 31 of this year, pressure is being placed on Lithuania to extend this date until late 1994. Russian negotiations with Latvia and Estonia regarding any sort of timetable for the final withdrawal of Russian troops have nearly reached a dead-end.

Mr. President, I believe this amendment is the appropriate vehicle to indicate our concerns to the Russian Government at this time. Yet, unless improvements in this and other outstanding issues between the United States and the Russian Government are resolved, it will be increasingly difficult

to justify the mass flow of United States taxpayer assistance to the Russian Federation.

Mr. RIEGLE. Mr. President, this decade has ushered in a new and promising era of freedom and hope for the people in the Baltic Republics of Lithuania, Latvia, and Estonia.

In order to ensure that democracy and freedom continue to develop, our Nation and the international community must continue to support the efforts of the Baltic States to strengthen their sovereignty and independence from their powerful neighbor to the East.

During 1990, all three Baltic Republics proclaimed their independence from the Soviet Union. Shortly afterwards, the fledgling governments weathered a renewed military threat during the August 1991 coup attempt led by Soviet hard-liners. Since then, great strides have been made by these determined peoples to safeguard their sovereignty—developing democratic institutions and reforming and restructuring their economies. Still, much more needs to be accomplished. Fifty years of unjust Soviet occupation have done great damage to the economic, political, and social institutions of the Baltic States.

Today, while all of the Baltic States enjoy international recognition as independent nations, their fundamental sovereignty continues to be violated by the continuing presence of thousands of Russian troops. My colleagues and I have continued to urge that our Government and other nations press for an end to this inexcusable infringement of the national sovereignty of the Baltics that has endured even after the end of the cold war and the collapse of the Soviet Union.

I join with my colleagues today in calling upon the Russian Federation to begin an orderly, and complete withdrawal of Russian troops from the Baltics. It is my firm belief that as Russia moves to embrace democratic ideals and traditions and seeks the respect of the international community, it must also be supportive of these other newly independent States.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 704) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 705

(Purpose: To clarify the Fair Labor Standards Act of 1938 with regard to prisoners)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the amendment being submitted by the Senator an amendment to the committee amendment?

Mr. REID. The amendment is being submitted to the bill. The amendment is offered on behalf of Senator REID and Senator BRYAN.

The PRESIDING OFFICER. Without objection the committee amendments are set aside for purposes of considering the amendment of the Senator from Nevada.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself and Mr. BRYAN, proposes an amendment numbered 705.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, between lines 20 and 21, insert the following new section:

SEC. 609. (a) Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

(1) in paragraph (1), by striking "and (4)" and inserting "(4), and (5)"; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'employee' does not include any inmate of a penal or correctional institution of the Federal Government, District of Columbia, or a State or political subdivision of a State."

(b) Section 13(a) of such Act (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (15) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(16) any inmate of a penal or correctional institution of the Federal Government, the District of Columbia, or a State or political subdivision of a State."

(c) The amendments made by this section shall apply as if enacted on the date of enactment of the Fair Labor Standards Act of 1938.

Mr. DOMENICI. Will the Senator yield 30 seconds to the Senator from New Mexico?

Mr. REID. I am happy to yield to my friend from New Mexico.

Mr. DOMENICI. Mr. President, the Senators managing the bill, Senator HOLLINGS and I, are trying to go with amendments, one on the Democratic side and one on the Republican side. We are available. I ask any Republican Senators who are on our list if they could be ready in maybe one-half hour or so. We are going to take Senator REID next and then, I understand, Senator BUMPERS is going to address one of the committee amendments. Then we would be ready for Republican amendments.

If you are listed here we sure would like to have somebody come down and offer one.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, last year the Ninth Circuit Court of Appeals determined that all inmates working in correctional industries are covered by the Fair Labor Standards Act.

This is what I refer to as the infamous Hale versus Arizona decision.

The Ninth Circuit Court of Appeals is the largest circuit in all the judicial circuits of this country. It includes the 30 million people of the State of California, the people of the State of Nevada—anyway it is a large circuit and has a tremendous impact.

There are many implications associated with this decision but one of those is that prisoners are entitled to be paid minimum wage when they are working in a prison.

What are some of the things that prisoners do? As we know, they cook inmate meals, they launder inmate clothing, they repair equipment around the prison, they perform clerical work, maintain the grounds and buildings, and do other day-to-day functions of the operation. That is principally what they do. There are other things—we will talk about those—but that is the main thing that the Hale versus Arizona decision said prisoners must be paid for.

In addition to minimum wage, the creation of employee status for inmates would open the door to unemployment compensation for prisoners, workers compensation for prisoners, vacation time for prisoners, and maybe even overtime pay for prisoners.

The good news is that in the ninth circuit, as all the circuits that we have, after a panel of judges arrives at a decision, the attorneys involved, or an attorney involved, can ask for a hearing in bank, causing all the judges to sit and listen to everything all over again. Rarely does one of the circuits allow a hearing to go forward in bank, but in this instance because of the implications of this decision they did hold a hearing in bank, and they overruled the Hale versus Arizona decision.

The problem, though, Mr. President—and we will talk about that in a little bit—the problem is even though the ninth circuit decision was overruled—and that affects the State of Nevada where I live—this does not, though, prevent other courts from reaching opposite conclusions, which they have done.

That is why I have offered this amendment today to exempt prisoners from coverage under FLSA, to make it clear to the courts that they, prisoners, are not covered, that prisoners are not entitled to vacation, they are not entitled to minimum wage, they are not entitled to workmen's compensation and on and on. This amendment is the same as the bill I intro-

duced with Senators BRYAN, DORGAN, and COHEN, S. 1115.

I regret that this amendment is necessary. I regret that the legislation is necessary, but at this time the Federal courts are in conflict. We have State governments already staggering from budget deficits. They are concerned, as rightfully they should be, that they may owe millions of dollars to prisoners not only in back pay, but prospectively, that they will either not be able to afford, or they will owe additional millions and millions of dollars. And the sums are significant. We are talking about large, large amounts of money.

As I will indicate in a little while, the General Accounting Office did a study on this issue, and at the State level. For example, Arizona officials noted that their industries paid about \$614,000 in inmate wages for the year ending June 30, 1992, as compared with almost \$4 million that they would have paid for the same number of hours at minimum wage.

The figures are staggering. The General Accounting Office did not look at all 50 States. They looked at the Federal Bureau of Prisons. They looked at the States of Florida, Arizona and Nevada, and came to the same general amount, maybe four times more would have to be paid with minimum wage. It would, in effect, cause significant hardship to the States, in addition to all the other contingent liabilities that would ensue.

If this Hale versus Arizona-type thinking goes forward, that is that the Fair Labor Standards Act applies, we have prisoners who will lose their job training, they will lose the opportunity to be productive during incarceration, they will lose the incentive to reform themselves and return to society, because State governments will not be able to afford to pay them to work. It will create idleness, because States simply will not have prisoners do much of anything.

The Fair Labor Standards Act was passed in 1938 and was enacted at the time to be a progressive measure to ensure all able-bodied men and women a fair day's pay for a fair day's work. This act, though, had a humanitarian purpose, Mr. President: To provide a minimum standard of living necessary for health, efficiency and the well-being of workers.

Keep in mind that a prisoner gets a pretty good deal: Food, lodging, not only television, but cable television, their clothes laundered, exercise rooms are now mandatory—they get a pretty good deal. And now we are going to be asked to provide minimum wage for them, we are going to be asked to provide vacation time, workmen's compensation. It is really outrageous.

The goals of the act in regulating nonlabor workers are separable and distinguishable. Prisoners do not earn wages in order to pay their room and board. We already established that. The State has complete control over

them. The State has a responsibility for the living conditions of those prisoners. The taxpayers pay for their cells, food, and we have already talked about their entertainment. So should taxpayers also pay minimum wage and overtime to prisoners while they are having their rooms paid for, cable TV paid for and other things?

Mr. KENNEDY. Will the Senator be good enough to yield?

Mr. REID. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have not heard the full presentation, but I have had the opportunity to talk with the Senator from Nevada. The point that he makes has a great deal of merit. On the other hand, we have heard from a variety of small businesses that say if they do not pay the minimum wage and other small businesses are in competition with that, that they are at a disadvantage.

I think the point is well taken. I had indicated to the Senator that I had thought the administration was going to be considering minimum wage legislation, and that we ought to have a hearing that incorporates the results of the hearing and the desires of both the Secretary of Labor and the Senator from Nevada.

I hope that if it is the desire of the Senator to go ahead, that the amendment be accepted. I have not had the opportunity to inquire—as a matter of fact, I am meeting with the Secretary of Labor at 3:15 this afternoon. If that amendment is accepted, I would work with him on the way to the conference, during the conference, or subsequently, to try and address the issues.

There is a great deal of merit to what he said. I do not dispute it. There are other matters I think ought to be addressed in ultimate resolution of this issue. I do not really come down on one side or the other. I appreciate the points which are taken. I just wanted to indicate that if he can withhold the amendment, we can both write to the Secretary of Labor, inquire of his position, and have a hearing. But if he wants to go ahead, I hope the amendment would be accepted and we will try to work with him in the meantime prior to the conference and during the conference. I did want to express that viewpoint to the Senator.

Mr. REID. I would like to say to my friend from Massachusetts, I have great respect for the committee system we have in the Senate. I recognize that the committee, of which the Senator from Massachusetts is chairman, has jurisdiction over this issue. I recognize that there should be some work done on this matter.

I submit to my friend from Massachusetts that if, in fact, I decide not to move forward with this matter, I will ask—and I certainly do not want to in any way, because the Senator's schedule is difficult—but I hope we could have a hearing in the first part of September when we get back. This is something I feel very strongly about. It

is something I feel the American people feel strongly about.

Regarding the issue relative to small business, the General Accounting Office has done good work on that. I have done some work on that that is extensive. I think we can resolve any of the problems of small business.

Of course, as the Senator from Massachusetts knows, there are other bills coming through here. I want to be as cooperative as I can. I am happy to have this colloquy with the chairman of the committee, because we have had some difficulty having a hearing arranged.

Mr. KENNEDY. I will mention this to the Secretary of Labor in the next 5 minutes, that this is a matter that is on the floor. I give you the assurance that we will have the hearing in September.

As I say, I think there will be vehicles to address this issue. I think there are a wide range of different merits to the Senator's case. I do not question that. I think there are some questions on the other side, but I will be delighted to work with it. I think the Senator has been pursuing this issue for a number of months.

I think I understand his frustration at the time we represented at the earlier hearing that it had been intended by the administration to have some increase in the minimum wage and some allowance on the EITC. The administration has decided to go with the EITC. We have given assurance to Senator WELLSTONE that we would have a hearing on minimum wage.

Irrespective of a hearing on minimum wage, I will be glad to give assurance to the Senator that we will have a hearing in September. In the meantime, I will join the Senator in a letter to the Secretary, not that that will be guiding, but at least we will have the best judgment of the Secretary of Labor on this issue.

Mr. REID. I will say also to the manager of the bill, the Chairman of the Appropriations Subcommittee, and to the chairman of the Education and Labor Committee, I have no great desire to vote—as we all know, this would win; we would agree to accept it. I have no desire of having a victory here and having it knocked out in conference, where people in conference do not fully understand it. That is not what I want to accomplish.

What I want to accomplish is, I want to change the law so the State of Nevada and other States do not have to pay prisoners minimum wages. I believe the way to accomplish that is to let the committee of jurisdiction hold hearings, send the bill over to the House, and let them do the same.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 705) was withdrawn.

Mr. KENNEDY. Mr. President, I appreciate the Senator's cooperation.

I will certainly work very closely with him. I am grateful for the way he has approached this problem, and I think all people in his State ought to be assured that we will get some resolution of this issue or I am sure that the Senator will be back.

Quite frankly, I am confident that he does have the votes to gain support for it. So they should have a very clear understanding that the Senator is making important progress on this matter of concern.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the committee amendment on page 71?

Mr. HOLLINGS. We want to withhold the adoption of that particular committee amendment, Mr. President, and momentarily the distinguished Senator from Arkansas [Mr. PRYOR] has an amendment. I think he is right outside the door.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it is my understanding at this time there is a pending committee amendment. I ask unanimous consent that the amendment be set aside while this amendment, which I will send to the desk shortly, is considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it is my understanding this amendment is going to be accepted and momentarily I will send it to the desk.

Before I do that, Mr. President, I thank the respective managers this afternoon for the acceptance of this amendment because I think it is an amendment which speaks to defense conversion in tones and also in terms we will all understand.

This amendment is going to permit, at long last, the Economic Development Administration of the Department of Commerce to make economic development grants earlier to communities losing military bases so that these particular bases can be put back to work sooner by creating private sector jobs and income for those particular communities that are affected.

Mr. President, one of the primary Federal assistance programs for economically distressed communities is the title IX Sudden and Severe Economic Dislocation Program of EDA. This program provides economic development grants to those communities for business development, technical assistance, revolving loan funds, technology development, and infrastructure projects such as sewers and roads.

Congress provided \$50 million to the EDA in 1991 and \$80 million last year

specifically for the purpose of making these grants to communities adversely impacted by military base closures or defense industry cutbacks. These appropriations came from recommendations made by two previous Democratic Defense Conversion Task Forces, including one that I had the honor of chairing last year.

This year, during a briefing on economic redevelopment in defense-impacted communities, the task force learned that the EDA is prohibited from making grants for economic development projects on closing military bases until the community hosting the base has clear title to the base property. We found this to be a situation that must be corrected. This means that a community is forced to stand on the sidelines, watching its economic vitality seep away as the base slowly closes down.

The community is prevented from beginning vital redevelopment efforts that would enable it to quickly reuse the base, once transferred, to replace the jobs and income lost in the closure. This delay occurs even though the closures are known about 2 or 3 years in advance of occurring.

It is important to note that although the Base Closure and Realignment Commission has slated 71 major installations for closure, only 8 have closed their doors. One of those eight is Eaker Air Force Base in the small Mississippi Delta town of Blytheville, AR, which shut down on December 15 last year. Eaker was an old SAC base that housed B-52's during the cold war.

Although the military planes are gone, the hangars and other vital aviation equipment still remain on base. These hangars would be perfect for housing civilian aircraft, but they need to be refurbished and modified to meet civilian needs.

The bad news is that the local authorities in Blytheville desperately need EDA grants to implement these changes, but they have been forced to wait for months and even years until the military transfers the property. This unnecessary delay has severely hindered Blytheville's abilities to market their assets to business.

My amendment will correct this unfortunate situation by giving the Economic Development Administration the authority to make grants for projects on closing bases even if the community does not yet have title to the base property. Because environmental cleanup and other factors make exact closure dates difficult to predict, the amendment permits the EDA to consult with the Department of Defense so that it can make the best decision about when to make grants in these situations.

The EDA has been widely criticized for its slow response time to needy communities. This amendment will help the EDA be more proactive and truly helpful to those communities which faithfully hosted military bases throughout the cold war. These com-

munities clearly deserve nothing less. I urge the adoption of the amendment.

AMENDMENT NO. 706

Mr. PRYOR. Mr. President, on behalf of myself and also Senator BOXER, Senator WOFFORD, Senator HOLLINGS, Senator BINGAMAN, Senator PELL, and Senator DOMENICI, I do send the amendment to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mrs. BOXER, Mr. WOFFORD, Mr. HOLLINGS, Mr. BINGAMAN, Mr. PELL, and Mr. DOMENICI, proposes an amendment numbered 706.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 22 after the word "expended" insert the following: "Provided, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when, in the option of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That, the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment."

Mr. DOMENICI. Will the Senator yield for a question?

Mr. PRYOR. I will be glad to.

Mr. DOMENICI. First, might I ask, will the Senator put me on the amendment as a cosponsor?

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senator from New Mexico [Mr. DOMENICI] be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, as I read the amendment—and I think it is a very good law and we should adopt this—it seems to me that the Senator is not expanding what this money can be used for but, rather, saying that it can be used at an earlier point in time, that is, you do not have to have title yet or you do not have to have a long-term lease. It would still be available for the resources that the Senator provides if, in fact, the facility you are improving or whatever else you are doing is part of an economic recovery plan resulting from defense closures or the like.

Mr. PRYOR. I am very glad the Senator from New Mexico has picked up on this point. The Senator is exactly right in his interpretation. We are not expanding powers, basically. We are just saying that the communities do not

have to await until title has vested in those communities. They do not have to wait until the base has actually been closed and basically been put in mothballs.

Mr. DOMENICI. I compliment the Senator.

Mr. PRYOR. I thank the Senator for his observation and question.

Mr. DOMENICI. Let me say, Mr. President, one of the problems of all this conversion is that it takes so long in some cases. If you have to clean up the base or the facility because of chemical spills or the like, you are waiting around really for years while it is done and everybody sits around in frustration. The Senator is suggesting that you do not have to clear up title and be ready in all respects to get EDA grants, if I understand.

Mr. PRYOR. The Senator is absolutely correct.

Mr. DOMENICI. I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Arkansas. He has been leading the thought in Congress relative to reconversion problems. He has been working on it for the past several years.

I did not want it to hit me but it has. The Charleston Naval Base, the Charleston Navy Yard, both have been listed by the Black Commission and approved by the President, and it is now up to the Congress itself. If that is to occur, and pending the occurrence one way or the other, within the next few days.

I was on a visit only last Friday—incidentally, that is why I had to miss some good votes. But I did some better work. I was with the Deputy Secretary of Defense, Dr. William Perry, and we went over all of the facilities looking at the opportunities and looking at the needs for adjustment.

I got right to the point being made by my ranking colleague. I said to Dr. Perry, "Look, I don't want title to any of this property right now. There are 33 dump sites that have been located"—this is a naval facility that has been there just about 100 years. You can imagine without any Environmental Protection Agency or in anything else what we used to do in the military. We would bury it here, there, or yonder. I said it is just like if you gave me a yacht, I could not afford the gasoline to run it. If you gave me one, I could not afford to clean it up in order to use it.

Like the Panama Canal, I want a treaty, a lease. You keep the title and let me have 99 years so I could put people back to work. This is exactly what the amendment of the Senator from Arkansas addressed, that particular problem.

The other problem, specifically the Government cannot give property save and excepting for recreation and health, and several other educational purposes but not for jobs. So we are going to have to amend the basic law there, even if we have a clear piece of property, and if A, B, or C corporation

says we can take over that building and put everybody to work in it, we cannot give them title to it right now. That is for jobs. I can put on a ping-pong tournament in there, or something else for recreation, education, and health. But I cannot do it for jobs. We will have to change the basic law there. This of course changes the basic policy responding to the need never contemplated at the time we put in economic development assistance in our National Government.

So I thank the distinguished Senator from Arkansas for his leadership on this score. We are ready to accept the amendment.

Mr. PRYOR. Mr. President, if I could ask that Senator RIEGLE of Michigan be added as an original cosponsor, and also to once again thank my friend and colleagues, Senator HOLLINGS and Senator DOMENICI, who manages this afternoon this legislation; and for their willingness and their cooperation along with their staffs. I thank them very much, Mr. President.

Mrs. BOXER. Mr. President, I have been very honored this year to have served as a member of the Senate Democratic Task Force on Defense Reinvestment chaired by Senator PRYOR. Under his able leadership, the task force has produced a set of recommendations that will help communities make the transition to a civilian economy in the face of massive defense downsizing. As you know, my own state of California has been rocked by both reductions in major defense programs and successive waves of base closures.

The amendment before us is an important step toward implementing this critical set of proposals. It will allow the Economic Development Administration to make grants for economic development projects on closing bases before communities actually get title to the land. This will shorten the period of economic dislocation in base closure communities and expedite economic redevelopment.

Many of my efforts this year have been aimed at easing the defense transition problem in my State. I have introduced my own bill, the Economic Conversion Clearinghouse Act—S. 850—with 14 cosponsors, which has been adopted as one of the task force recommendations. This bill would establish a one-stop shop information clearinghouse in the Department of Commerce, to help defense impacted workers, communities, and firms access the information they need to cope with the defense downsizing. It has been endorsed by more than 40 business, labor, and community organizations, along with several local government bodies in my State.

I believe that, since coming to office, President Clinton has taken some very bold steps—far more than any previous President—in coming up with a far-sighted and innovative plan for economic conversion. The task force recommendations aim to make the Fed-

eral agencies that provide economic assistance work better and be more accessible to our citizens in need.

Most important, they would empower our communities, giving them more of a direct voice in the planning processes and decisions that affect them the most. My hope now is that we can work on a bipartisan basis to implement these crucial recommendations in this year's session. Our people are hurting now, and they need whatever help they can get, and as soon as possible.

During the 1960's and 1970's the Economic Development Agency helped numerous communities adjust to the closing of military installations around the Nation. Between 1975-1980, the EDA gave out approximately \$110 million in assistance, in current dollar values, to 31 successful base reuse efforts.

The EDA's role was greatly diminished during the Reagan and Bush administrations, which tried unsuccessfully to zero out the EDA's budget year after year. Only congressional action kept the EDA alive. Yet, by 1990, the EDA's budget for helping severely dislocated communities was only \$12 million.

Recognizing the importance of the EDA to its conversion program, the Clinton administration plans to restore the EDA's budget to its past levels. In addition, it is making efforts to streamline the EDA's grant application process, making it easier for communities to obtain the assistance they need in a timely manner.

The proposed amendment, however, deals with a problem that cannot be addressed administratively. Current statute prevents the EDA from making grants to communities until they have clear title to the base property. By allowing the EDA discretion to make early grants to communities after base closures are announced, communities will be able to begin their planning and start implementation of their plans much sooner than is now possible. Coming from a State which stands to lose over 33,000 jobs from the last round of base closures alone, I cannot stress how important this measure is to me and my constituents.

I would like to thank Senator PRYOR for his consistent and strong leadership in the task force and, in particular, for taking the lead in introducing this amendment. I have very much enjoyed working with him and my colleagues on this historically important project. I look forward to working with them to promote a smooth transition to a healthy and competitive economy in the years ahead.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 706) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AMENDMENT, AT PAGE 83, LINES 12-16

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we move to the committee amendment appearing at page 83, lines 12 through 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I hardly know where to begin on this debate but it deals with the organization we call the National Endowment for Democracy. The National Endowment for Democracy has been with us since 1984. It is a relic of the cold war. Let me repeat that. It is a relic of the cold war.

I have to confess to my colleagues. I never did like it. The chairman of our committee did not like it. The chairman and I tried time and time again to torpedo this thing. I did not even like it when the cold war was raging, and I like it a lot less now.

The idea was that we were going to give all this money to people who would go into all of these countries that were threatened with communism, we would teach them the joys of the private enterprise system and democracy, and we would thereby thwart the expansionist policies of the Soviet Union. If you want to agree with that, that is fine. I did not like it because I did not think it was enough money to do much good anyway.

No. 2, I felt that some of these people would be meddling in the internal affairs of other nations, which they indeed got caught doing time and time again.

I did not like it because we have the Agency for International Development, the U.S. Information Agency, that spends hundreds of millions of dollars to do the same thing.

If somebody offers an amendment here to do away with the BIB, the Board for International Broadcasting, I am going to vote for that.

Here is living proof that all of the wasteful spending in the U.S. Congress is not on entitlements. We have heard those sermonettes time and time again about how you will never get the deficit under control unless you get entitlements under control. Entitlements is a buzzword. It is a buzzword for Social Security, it is a buzzword for welfare, it is a buzzword for Medicaid. It is a buzzword for Medicare. It is a buzzword for anything that helps peo-

ple who are having a tough time making ends meet. People will never say: You will never get the budget deficit under control until you get AFDC payments under control. They never say: You will never get the budget deficit under control until you get Medicaid under control, which is health care for the poorest of the poor. They will never say—well, occasionally, they say: Let us cut Medicare. But they never want to cut the recipients; it is always the providers, the hospitals and doctors.

I am not here to make those arguments. I am here to say simply that people in this body continually hide behind that buzzword "entitlement" by saying: How dare you raise all these taxes without getting entitlements under control?

There is one thing Hillary Clinton says, and that is that you are not ever going to get the deficit under control until you get health care costs under control, and she is dead right. To all of my friends who like to hide behind that word "entitlement," here is an opportunity to come out of the closet. Here is an opportunity to say that it is not just entitlements that we are spending money on; here is a program which has just gone out of sight in a small way in appropriations.

Mr. President, look at this. This thing was funded for the first time in 1984. We appropriated \$18 million. That year, Senator HOLLINGS and I strove mightily to kill this program, without success. The next year we put \$18.5 million in it. We went after it again, without any success. There are some very, very fine people on the Board of the National Endowment. There are a lot of people who work in this program that do a fine job. We are not going after the people; we are going after the money and the principle.

In 1986, I guess Senator HOLLINGS and I made it so hot we cut it down a little bit. That was the first full year Gorbachev was in power, and people thought maybe the Soviets were not quite as big a threat. So we cut their funding down to \$17.2 million. The next year Gorbachev looked so good we cut it to \$15 million. What is really interesting is that once the Soviet Union collapsed, why, the appropriations have gone out of sight. There it is. In 1991, we went from \$17 million to \$25 million. In 1992, last year, \$27.5 million. This year, \$30 million. And there is \$35 million in this bill.

How many programs, Mr. President, does any Member of this body know about that has gone up from \$17 million in 1990 to twice that amount—a 100-percent increase—in 1994?

The way we spend money around here, if you say it fast, \$35 million is just nothing. If you sit as chairman of the Agricultural Appropriations Subcommittee, as I do, or this subcommittee that has this, on which Senator HOLLINGS is the chairman, and you are trying to find \$1 million here for the Senator from Florida to start a project

in Florida, or another \$1 million for some research project at the University of Arizona, and you are trying to do some things that help people, that increase the United States' competitiveness, that put people to work, \$35 million is a lot of money.

Do you know what \$35 million will do in the 7(a) loan program of small business? It will generate about \$3.5 billion in 7(a) loans. Do you know how many jobs you create with every \$1 billion you loan? About 12,000 jobs.

So I ask you, does going over to Poland and telling the Poles the wonders of the free enterprise system and democracy, where they are already involved in the free enterprise system and democracy make sense? What are we doing in Poland, spending money to teach them about politics? They have a much older culture, politically and esthetically, than we have. But now here comes one of the most interesting parts of this whole program, Mr. President.

Turning to this chart right here, see that piece of pie and how it is divided up. What is going to happen with the \$35 million we are appropriating? What is NDI that gets 9.8 percent? That is the National Democratic Institute. Do you know what that is? That is a fancy name for the Democratic Party. That is right—the Democratic Party, which used about \$700,000 of other Federal money last year to conduct the convention in New York. They get 9.8 percent.

NRI. People say that must be some prestigious organization out teaching the free enterprise system. That, Mr. President, is the Republican Party, which spent almost \$500,000 of their 10.7 percent of NED's funds. And, as a Democrat, I want you to know I resent the Republicans getting 10.7 percent and us just getting 9.8 percent. Well, the Republicans spent almost \$500,000 on their convention down in Houston.

CIPE—who ever heard of CIPE? Do you know who that is? That is the U.S. Chamber of Commerce. That is the Committee for International Private Enterprise. That is run by the Chamber of Commerce of the United States. They got 10.6 percent; 10.6 percent of \$35 million. By my calculation, that is going to be well over \$3.5 million this year. What are we doing giving money to the chamber of commerce?

Here is one: FTUI. Do you know what that one is? That is the AFL-CIO. That is the Free Trade Union Institute, which is a little *nom de plume* for the AFL-CIO.

Mr. President, at this stage of my presentation, let me present this question to my colleagues: What do you think is going to happen when the chamber of commerce and the AFL-CIO go to Romania or Poland or Hungary or, yes, even France and Britain and New Zealand, who have democracies almost as old as ours? What are we doing in those areas?

But back to the point, can you picture the chamber of commerce and the AFL-CIO sitting down around the table

with political leaders in emerging countries and agreeing on what their economy ought to be? Would you not like to hear them discuss the merits or lack of merits of the striker replacement bill?

I will tell you what. If a bunch of Poles did not slit their wrists after listening to that presentation—here, they do not agree on anything. The Chamber of Commerce and the AFL-CIO agree on virtually nothing except they are happy to be Americans.

I do not know why the Chamber of Commerce has not put in a squawk about just getting 10.6 percent and the trade union is getting 40 percent.

Mr. President, they do not all get the same amount of money every year, but this has been the average of what they got between 1984 and 1990. Here is how much they got in 1991 and 1992. This is what we call the core grantees. And then you see that figure down there that says discretionary, a good big portion of that goes for first-class airfare for everybody else.

Now, Mr. President, I could talk for a long time about this, but I am not going to because I have made the points that are worth making. Someone is probably going to come in here this afternoon and say, yes, but look what they did here and look what they did there.

I want you to pay attention to all of those magnificent replies for the National Endowment for Democracy and ask you if you think it is worth the couple of hundred million we put into it in the past 10 years. This is like the wool and mohair program; it has outlived its usefulness if it ever indeed had a usefulness.

The National Endowment for Democracy spent money to undermine President Arias of Costa Rica when he was the only sane voice, head of the only democratic country in Central America, and was trying his best to help end the war in El Salvador and trying to help with the war in Nicaragua. And the National Endowment for Democracy is down there trying to undermine his efforts.

Mr. President, let me just give you an illustration of how this thing can work and has worked:

In 1989, in Korea, the National Endowment made a grant to help the Federation of Korean Trade Unions to improve its influence on government policy in Korea.

No. 1, that is meddling in the internal affairs of another country, any way you slice it. What are we doing providing money to the Federation of Korean Trade Unions to help them improve their influence on the central government? I submit to you that if Korea gave the AFL-CIO money in this country for the express purpose of trying to pass S. 55, the striker replacement bill, there would be a revolution in this country in the business community about Korea meddling in the internal affairs of this country.

In the mid-1980's, the National Endowment used money in Panama to support groups that were affiliated with a candidate for President named Barletta, Nicholas Ardito Barletta.

You think about spending money to help someone run for President out of the military, and in Panama, when every day the President was saying we want Panama to be a democracy and we are going to be neutral. And there we are funneling money to the only guy the military backed down there. He was a military man himself.

Our Ambassador to Panama found out about it and sent a cable to Washington, "Embassy requests this hair-brained project be abandoned before it hits the fan."

As I told you a moment ago, we spent the National Endowment moneys in Great Britain, New Zealand, and France.

In China, we continued to fund China Perspective for 2 years after that publication was in serious financial trouble. And the National Endowment knew it was in trouble because its own auditors, in 1984, had discovered that it was in trouble. But they granted the China Perspective \$280,000 in three grants, in 1985 and 1986. In 1986 the National Endowment auditor found that the problems had not been eliminated, and despite their failure to eliminate the problem the National Endowment granted China Perspective another \$482,000 from 1987 to 1989. In 1992 China Perspective finally had an independent financial audit, which found that it had continued right up to that time commingling funds but not before the National Endowment gave them \$280,000 more.

Mr. President, I am not going to catalog a long list of incompetence in the use of their money. I have a list here that is just unbelievable.

The Washington Post said in 1985, \$830,000 was spent on a rightwing French students' organization. That is right, financing a rightwing French students' organization, to the tune of \$830,000.

In December of 1985, the London Financial Times said the National Endowment had given \$49,000 to the British International Labor Organization.

Incidentally, I mentioned Oscar Arias a while ago. They gave his opponents \$433,000 in 1989. He was one of the few sensible people in all of Latin America.

In December 4, 1989, the New York Times said that the National Endowment had funneled \$1.4 million secretly through an overseas branch of the Free Trade Union Institute to two separate rightwing groups in France that opposed the policies of Francois Mitterrand.

Would that not have been wonderful if Bill Clinton was going to Tokyo to meet with Francois Mitterrand right after he found out that the National Endowment put \$1.4 million into an organization to oppose him?

December 18, 1989, the Nation, a little magazine publication, said the Na-

tional Endowment provided funds through the International Democrat Union. That is a collection of conservative political parties from around the world. An affiliate of this organization called the Caribbean Democrat Union got more than \$800,000 from the National Endowment. Based in Kingston, Jamaica, CDU conducts monthly seminars, including one concerning Communist infiltration in the Caribbean. And they use some of the money to send their officers to international conferences in London, Vienna and Tokyo. And I am sure they all had first-class tickets.

This list goes on and on, Mr. President.

One of the things that is particularly troubling is the lack of fiscal controls of this organization. Even if I thought the National Endowment for Democracy was a good idea, which I certainly do not, the inspector general has given us plenty of ammo about how loose their fiscal controls are.

Mr. President, to end where I began, I want you to look at this. This is what the Agency for International Development, which we commonly refer to as AID around here—here is how much money they spent on promoting democracy and governance activities in 1992. Look at that: \$55 million in Africa, \$15 million in Asia, \$30 million in Europe—\$225 million to do exactly what the National Endowment for Democracy is supposed to do. In 1992, the Agency for International Development will spend \$71 million more, \$296 million to help other countries.

What do you think our foreign aid bill is for? It is to help other countries. And oftentimes it is designed to teach them the free enterprise system. There are people all over Russia right now, some on their own, some spending their own money, a lot of others financed by AID, to try to teach the Russians how the free enterprise system works and what democracy is all about.

And here we have this program which is just one junket after another, always meddling in the internal affairs of another country and giving the lion's share of the money to two organizations that do not agree on anything. Now you tell me what kind of synergy there is there that is going to benefit any nation on Earth.

Mr. President, it is time to face reality—time to face reality on the deficit, time to face reality on the fact that \$35 million is not peanuts, time to face reality on the basis that if we are going to teach democracies, we have two programs already where we are spending hundreds of millions of dollars to do it and we do not need this one.

I yield the floor.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Arizona, [Mr. McCain].

Mr. McCain. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona.

Mr. President, right where the distinguished Senator from Arizona stands stood the very famous minority leader when I came here almost 27 years ago. And we only had two of us Democrats to preside. I got two 100-hour Golden Gavel Awards. We used to have a sensible operation in this United States Senate. We would vote all morning long, handle the debate, the committees would meet in the afternoon, and by 5 o'clock everybody was gone home like normal people.

I had to listen to one particular Senator allege that Lyndon Johnson was a murderer. I would preside from about 5 o'clock until 9:30 or 9:45.

But Senator Everett Dirksen, of Illinois, stood right there. I will never forget one of his many colorful and poignant observations. He said: Consistency is the hobgoblin of little minds.

Now, I join with the distinguished Senator from Arkansas, because I still do not believe in giving money to the Chamber of Commerce, and the AFL, and the national Democratic Party, and the national Republican Party. I just do not think ordinarily you ought to spend funds for it.

In the early years of this program, when I looked into it, I found all of these scandalous things that have been referred to. They would go down in the wintertime back in 1983, 1984, and 1985, and they would meet in the Bahamas and swim out on the nice sandy beaches and everything else while everybody was freezing up here. They would call it very important meetings.

The truth of the matter is, Mr. President, they did not have a mission, because they were not getting around to those countries where they were needed and were meeting and talking and brainstorming, as they call it.

And this brings to mind that in the early years of this program I joined with Senator BUMPERS in an amendment that, rather than put the money here, attempted to put in Fulbright scholarships, exchange student programs, and other things that were meaningful to the fostering of democracy the world around.

But with the fall of the Wall in 1989, they have a very dynamic mission and role. We have a different world. And what has happened is that the National Endowment for Democracy has evolved into what you would call a democracy corps. We had the Peace Corps to go around to spread peace and how to recover economically with all the volunteers. And I was in on that back in 1960 when President Kennedy, then candidate Kennedy, was campaigning.

But not to get off the track, the democracy corps has developed as a matter of necessity. They talk about new ideas. Yes, necessity is the mother of invention. And had we not this particular entity, I do not know how we would have handled the need. Because there is a very jaundiced view of political in-

grams was driven by the priority many of us attach to assuring technical assistance and funding is available to improve manufacturing and production capabilities. I agree that the Commerce Department should take a serious look at the kind of proposal my colleague from Kentucky is suggesting.

Mr. HOLLINGS. I think we can all agree that the Commerce Department should take a serious look at this proposal and offer support if it meets the program's competitive criteria.

Mr. MCCONNELL. I appreciate your consideration in discussing this proposal and look forward to working with in the future on the subcommittee. Let me commend you both again for the exceptional job you have done with limited resources.

THE RADIATION EXPOSURE COMPENSATION TRUST FUND

Mr. HATCH. I am concerned that there is no new funding proposed in this appropriations bill for the radiation exposure compensation trust fund for fiscal year 1994. Congress enacted the Radiation Exposure Compensation Act ("RECA") trust fund to compensate victims of radiation caused by our nuclear weapons testing program.

I have learned that the Clinton administration proposed not to appropriate new funds for the RECA fund for fiscal year 1994, and the Members of Congress' appropriations committees have acquiesced in that decision.

I have been concerned that, since Congress finally acknowledged the Government's fault so many years after causing such harm and suffering to citizens of Utah and other Western States, there be sufficient funds to pay for the compensation promised in the law. Am I correct in my understanding that there are sufficient funds in the RECA fund to fully pay all claims now pending as well as all claims projected to be filed in 1994 so that no RECA claimant will be harmed by this funding proposal?

Mr. DOMENICI. Yes. Our information from the Justice Department is that approximately \$110 million will be available for use in 1994. We have been assured that this is more than sufficient to cover all outstanding claims.

Mr. HOLLINGS. We have been assured that this amount, \$110 million, is sufficient to cover all pending and future claims through fiscal year 1994.

Mr. HATCH. If it should happen that part way through the fiscal year the RECA trust fund should fall short of funds to make these compassionate payments, would the Senator from South Carolina and the Senator from New Mexico, commit to working with me to ensure that the victims of radiation caused by our Government are paid the sums owed to them under present law?

Mr. DOMENICI. Absolutely. As one of the chief sponsors of the program, I am committed to its success.

Mr. HOLLINGS. The Senator can count on my assistance.

Mr. HATCH. Will my colleagues further commit to working with me to ensure that sufficient funds are appropriated in subsequent years in which the trust fund exists to meet the obligations of the Government to the radiation victims are required under the law?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Again, I will do everything in my power to ensure that all claims are paid according to the law.

Mr. HATCH. And, do my colleagues agree that simply because no new funds have been appropriated for fiscal year 1994 no presumption will be raised about the level of funding necessary in future years?

Mr. HOLLINGS. The Senator is quite right. No presumptions will be raised against future appropriations.

Mr. DOMENICI. I agree with my colleagues. We will work together to ensure that the necessary funding is available over the life of the trust fund.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 708

(Purpose: To require a certification that the United Nations has established a mechanism, process, or office for budgetary and management control, and for other purposes.

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 708.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, line 12, strike the colon and insert in lieu thereof the following: "or that the United Nations has established a mechanism, process, or office—

"(1) to conduct and supervise audits and investigations of United Nations operations;

"(2) to provide leadership and coordination, and to recommend policies, for activities designed—

"(A) to promote economy, efficiency, and effectiveness in the administration of, and

"(B) to prevent and detect fraud and abuse in, such operations, and

"(3) to provide a means for keeping the Secretary-General fully and currently informed about problems and deficiencies relating to the administration of such operations and the necessity for and progress of corrective action: *Provided further*, That the Secretary of State, acting through the United States Permanent Representative to the United Nations, may propose that the Secretary-General of the United Nations establish an advisory committee to assist in the creation within the United Nations of such mechanism, process, or office: *Provided further*, That an advisory committee established consistent with the preceding proviso should be comprised of the permanent representatives to the United Nations from 15 countries having a commitment or interest in budgetary and management reform of the United

Nations, including a wide range of contributing countries and developing countries representing the various regional groupings of countries in the United Nations: *Provided further*, That such advisory committee should evaluate and make recommendations regarding the efforts of the United Nations and its specialized agencies—

"(i) to establish a system of cost-based accounting;

"(ii) to continue the practice of conducting internal audits;

"(iii) to remedy any irregularities found by such audits; and

"(iv) to make arrangements for regular, independent audits of United Nations operations: *Provided further*, That it is the sense of the Congress that even tougher measures to achieve reform should be put in place in the event that the withholding of arrearages does not achieve necessary reform in the United Nations."

Mr. PRESSLER. Mr. President, I am here today to fight, yet again, for tough management reform measures against the United Nations. Time and time again, I have raised the issue of U.N. budgetary waste, fraud, and abuse. Repeatedly, though, my pleas for strong corrective mechanisms have fallen on deaf ears.

In the bill before us today, my Republican colleague from New Mexico has included language to address fraudulent U.N. practices. I applaud his efforts. During the recent subcommittee and full committee markups of the Foreign Relations Authorization Act, I offered similar language, but was unable to get the support necessary to include a provision for the withholding of U.N. funds. My colleague's successful effort to include U.N. reform language is, indeed, commendable.

However, this is just a first step. Stronger, more exacting actions need to be taken. For that reason, I am offering additional language to the United Nations reform provision already included in the State, Justice, and Commerce appropriations bill.

Mr. President, as my colleagues know, I served as a congressional delegate to the United Nations last fall. While in New York, I learned of many examples of wasteful budgetary practices, and saw the reality of the bureaucratic malfeasance occurring at the United Nations. Since that time, I have been acutely aware of the efforts or lack of efforts our State Department has taken to end fiscal fraud.

For years, I have been told that efforts are underway to establish some type of oversight mechanism at the United Nations to ensure that crooks are deterred and that fiscal mismanagement is punished. But instances of budgetary waste, fraud, and abuse continue to occur at the United Nations. Most recently, I have been informed that 38 people without official United Nations posts are still on the payroll at the United Nations. And as of last week, I learned of new examples of procurement fraud and bid rigging in connection with the U.N. Cambodia operation. When will it stop? Hopefully we can take a step to lead us closer to ending such abuses at the United Na-

tions by adopting the amendment I am offering today.

As you know, Mr. President, the Commerce, Justice, State appropriations bill would withhold arrearage payments to the United Nations unless the Secretary of State certifies that an inspector general has been established in the United Nations. My amendment furthers this effort by:

Recommending the establishment of an advisory committee within the United Nations, including up to 15 countries interested in and committed to U.N. management reform to assist in the creation of an inspector general;

Providing the United Nations the administrative flexibility to establish either an inspector general as defined in Federal law or a mechanism, process, or office that would function similar to an inspector general; and

Calling for the establishment of even tougher measures should U.N. reform efforts fail.

The intent of my amendment is simple. It gives the United Nations the flexibility needed to determine what process will best facilitate reform efforts by establishing an advisory committee. Additionally, my amendment language includes sense of the Congress language, stating that tougher measures should be put in place if the withholding of arrearage payments fail to achieve credible U.N. reform.

Frankly, Mr. President, I still am not convinced that we are taking strong enough measures to adequately address the problems associated with an international organization wrought with bureaucratic inefficiency. Nevertheless, the bill before us attempts to move forward the U.N. reform process and to provide a mechanism to achieve such a process.

The U.S. purse is a powerful instrument to use to attain fiscal management goals. This no management, no money mentality is need to sent the signal to the United Nations that we in Congress are tired of lipservice from the State Department and are prepared to offer stronger measures if the withholding of arrearage payments does not foster change.

Establishing an advisory committee to pursue the creation of a U.N. inspector general or a U.N. office with similar functions is a step we must take if we ever want to witness meaningful change at the United Nations. Mr. President, I urge my colleagues to support my amendment.

I could give a much more lengthy description; but we need to have reform in the United Nations. This Congress needs to send every signal. Our State Department has been too soft in demanding reform in the United Nations.

I support the United Nations strongly, but its personnel system is so inefficient that it cannot deliver aid; it cannot deliver troops; it cannot carry out the function of the United Nations unless there is reform. There needs to be a professional service system within it and an inspector general to punish

wrongdoing, where audits find wrongdoing, so the American taxpayer can be assured that our moneys are not being stolen or wasted.

I urge adoption of the amendment.

Mr. SARBANES. If the Senator will yield. As the Senator will recall, this was an issue that was discussed in the Foreign Relations Committee when the State Department authorization bill was being marked up. In fact, the Senator from Massachusetts, Senator KERRY—who is the chairman on that subcommittee on which you are the ranking member—and you had worked out language on this issue which was included in the markup bill, and later you offered further language.

I guess my question is whether this amendment the Senator is offering is the same amendment that was offered in the markup and not accepted by the committee, or is it different?

Mr. PRESSLER. No, it is not the same amendment I offered in committee. I thank my colleague for his attentiveness to this. That amendment would have withheld 50 percent of our voluntary U.N. payments unless the President could certify that there was an inspector general, as Dick Thornburgh recommended in his departing report, and that there was a process going forward ensuring that the U.N. audits were being carried out. That amendment failed in committee.

Senator DOMENICI very wisely and ably added some language in this bill already—and I commend the Senator from New Mexico—which would also urge that an inspector general be adopted. This carries the reform issue a step further, but the language is not as strong as I would like, frankly. I am afraid that the professionals at the United Nations are going to ignore us again.

But this amendment has been agreed to on both sides, and it would send a clear signal and require the 15 countries interested and committed to U.N. management reform to assist in the creation of an inspector general.

In all of our Federal Government departments, we have an inspector general. Indeed, the U.S. attorneys can find fault with any public official in this country. That is not true of U.N. officials. Even if a U.N. audit finds that there is stealing, there is no action frequently taken against that person.

Mr. SARBANES. This is an amendment, I take it, that sort of moves down the path of establishing an advisory committee to examine this issue; is that right?

Mr. PRESSLER. That is correct. I hope it will be a major step in getting an inspector general who can punish wrongdoing in the United Nations.

Frequently, when supplies are sent to a country, they disappear overnight. We are told they are stolen, but they turn up on the black market. When the U.N. auditors find people who have done wrong, nothing is done about it within the U.N. system.

I might say that I commend the Republican Senator from New Mexico's language that withholds arrearage payments if an inspector general is not created. I hope that language stays in this bill. I hope things are not taken out in conference. I have agreed not to have a rollcall vote, which I think we can win overwhelmingly, with the hope this is not taken out in conference.

Mr. SARBANES. If the Senator will yield, I am happy to have the Senator's explanation. I have looked at it. My real question was whether it was a repeat of the amendment about which we had some rather extended debate and, frankly, against which I thought there were reasonable arguments; although there were reasonable arguments for it. I am satisfied this is not that amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we had checked this with the Foreign Relations Committee. I think now, with the concerns of the distinguished Senator from Maryland, it is cleared on this side.

Mr. DOMENICI. It is cleared on this side.

Mr. PRESSLER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment will be considered in order and agreed to.

So, the amendment (No. 708) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 713

(Purpose: To appropriate funds for trade adjustment assistance)

Mr. HOLLINGS. Mr. President, on behalf of Mr. RIEGLE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. MOYNIHAN, Mr. DANFORTH, these distinguished Senators, I send an amendment to the desk on trade adjustment assistance and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows.

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. MOYNIHAN, and Mr. DANFORTH, proposes an amendment numbered 713.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 10, strike "\$228,922,000" and insert "\$242,642,000, of which \$13,720,000 shall be for Trade Adjustment Assistance".

On page 60, line 7, strike "\$300,000,000" and insert "\$298,000,000".

Mr. HOLLINGS. Mr. President, this amendment also has been cleared on both sides.

Mr. ROCKEFELLER. Mr. President, this amendment restores funding for the Trade Adjustment Assistance Program for firms, which is part of the Economic Development Administration.

The TAA firm program helps small- and medium-sized companies which have lost jobs and revenues because of imports. Through technical assistance and consulting services, it works with these companies to develop strategies for success. And in the process it has compiled a superb record.

The program has saved or created over 41,000 jobs and \$3.4 billion in sales in 379 firms since 1988, and 267,000 jobs in the last 15 years. TAA has consistently had a small budget—only \$13.6 million this year—making it one of the most cost-effective programs we have. In fact, the overall return on investment in terms of revenue generated is 1,274 percent for every Federal dollar invested. This covers the operation of the Washington DC-based program office and twelve regional centers across the country.

In the Mid-Atlantic region, which includes West Virginia, this program saved 6,320 jobs with an investment of just \$4.5 million over the last 4 years. In addition, I have heard the stories of many small businesses from most of the 50 States that attribute the revival of their businesses to TAA. This is an unheralded program in the Federal Government, Mr. President, but there is a lengthy anecdotal record of its success in saving thousands of American companies over the years.

One of the reasons for this program's success is that it focuses on smaller manufacturing firms and their management. Many of our programs focus primarily on workers and on job retraining, which is important. But this program, Mr. President, emphasizes saving existing firms and existing jobs, and it does it by working directly with management, which often has not kept pace with changing competitive forces. The TAA Program provides expert consulting services to management to help them make the changes that are necessary in their companies to keep pace with change in their industry. By doing that we save jobs, and by putting these companies in a more competitive position for the future we create more jobs.

I encourage all Senators to support this program which has helped so many businesses in each of our States.

Mr. President, on another matter, I want to note that the bill we are now considering will provide funds for extremely important programs at the Department of Commerce's National Institute of Standards and Technology that support the development and commercialization of new technologies. I urge my colleagues not only to appropriate these funds but also to insist on this funding during the conference with

the House, which has not appropriated any funds for these critical activities.

The Commerce Department programs will have a significant impact on our national competitiveness. They focus on research and development, technology commercialization, manufacturing extension, training, and education—all essential to the restoration of a competitive industrial base. They help get the latest in manufacturing technology out to smaller businesses that may not know about it.

From my perspective as chairman of the Science, Technology, and Space Subcommittee, I am convinced that these programs can boost our national competitiveness and our national standard of living. They will lead to the creation of new high-tech companies, new industries, and hundreds of thousands—and eventually millions—of new high-skill, high-wage, private sector jobs.

I know that many of the decisions the Appropriations Committee had to make—the decisions to cut off other programs in order to fund the technology commercialization programs—were very difficult decisions. I want to congratulate the members of the committee, and in particular the distinguished manager of this bill, Senator HOLLINGS, for their work in finding the funding necessary for these programs. I urge my colleagues to support these decisions.

Mr. RIEGLE. Mr. President, I rise to offer an amendment to restore funding for trade adjustment assistance for firms.

First I would like to thank the distinguished chairman, Senator HOLLINGS, for his assistance in this matter. This is a difficult job and this bill is a testament to his leadership. I am also grateful to Senator DOMENICI, who has also demonstrated his keen understanding of the need to improve our national competitiveness. This amendment would not have happened without the strong support of Senator DANFORTH, Senator ROCKEFELLER, and Senator MOYNIHAN and I appreciate their help as well.

Mr. President, the Commerce Department's trade adjustment assistance program for firms funds 12 regional Trade Adjustment Assistance Centers [TAAC's] through the Economic Development Administration. One of those centers is the Great Lakes TAAC at University of Michigan. These centers provide assistance to companies within their region under severe pressure from import competition.

The TAAC's are highly successful. According to the Great Lakes TAAC, the return on taxpayer investment in this one center alone has been over 300 percent. Over the past 10 years, the Great Lakes TAAC has helped retain or create over 4,000 well paying manufacturing jobs with an investment of \$9 million—at only \$2,250 per job.

The other centers have had similar success. According to one estimate, the TAAC's have retained 267,000 manufac-

turing jobs nationally since 1978. This translates to a \$7.3 billion impact on the economy for an investment of \$204 million in Federal funds over 15 years.

It has been claimed that other programs can easily replace the TAAC's. However, these other programs provide a different type of service. For example, the manufacturing technology centers specialize in the deployment of modern manufacturing technology. They do not provide the type of marketing, cost accounting, human resources management, and business strategy assistance provided by the TAAC's. The small business development centers typically specialize in assistance to firms in the retail and services sector, not manufacturing firms. Likewise, the minority business development centers exist to serve a specialized need.

All of these programs are compliments to one another, not replacements for each other.

There is also some confusion about the administration's position on this program. In its original budget request, the administration had recommended the elimination of funding for the TAAC's. However, the latest list of President Clinton's specific spending cuts, released by the White House July 16, does not include elimination of TAAC as a requested spending cut.

The administration is now talking privately about the need to integrate the TAAC program better with the rest of EDA and with other Commerce Department programs. I will support administration efforts to revitalize the EDA and strengthen our business assistance programs.

However, eliminating the TAAC's would tear a large hole out of our business assistance and job creation system. We should continue funding for this vital and effective program, while we are working to expand and strengthen the entire business assistance system.

I urge my colleagues to support this amendment.

Mr. MOYNIHAN. I rise to join the Senator from Michigan in offering this amendment to provide funding for the Trade Adjustment Assistance Firm Program.

In the budget reconciliation bill, the Senate extends the Trade Adjustment Assistance Program, currently set to expire on September 30, for 5 additional years. The Finance Committee, and the Senate as a whole, viewed that extension as critical to ensuring continued help for both workers and companies that are harmed by exports. I am hopeful that the Senate position will prevail in conference.

This amendment is a necessary complement to that provision in the reconciliation bill. This amendment provides further funding for the component of the Trade Adjustment Assistance Program that aids companies by granting them technical help to improve their manufacturing, marketing, and other capabilities in the face of in-

port competition. This program has been with us for more than 30 years.

First outlined in 1954 by United Steel Workers president, David MacDonald, Trade Adjustment Assistance was enacted as part of the Trade Expansion Act of 1962. As Luther Hodges, President Kennedy's Secretary of Commerce, told the Finance Committee during consideration of that legislation:

Both workers and firms may encounter special difficulties when they feel the adverse effects of import competition. This is import competition caused directly by the Federal Government when it lowers tariffs as part of a trade agreement undertaken for the long-term economic good of the country as a whole. The Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them.

The Trade Adjustment Assistance Program for firms has done just that. In the past 5 years, it has helped more than 400 small- and mid-sized manufacturers suffering from layoffs and lost sales due to import competition. The individual success stories are plentiful. For example:

Trade adjustment helped the Curtis Machine Co. of Ensign, KS. improve production in the face of Chinese competition. The result: Jobs up 21 percent, and a 40-percent increase in sales.

The Burdett Apparel Co. of Salt Lake City has seen its profits grow 15 percent since trade adjustment assistance helped the firm redesign its production line.

A family-owned manufacturer of fly fishing equipment in Montana quadrupled its sales to \$3 million after receiving technical and marketing assistance that totaled less than \$44,000.

Finally, there is Beatty-Pago, Inc.—a small Brooklyn company that services the hat industry. The firm's president recently wrote me that trade adjustment assistance "helped improve our business situation and preserve the jobs of our 67 employees."

That is just one of the many letters I have received from New York companies urging us to continue funding the Trade Adjustment Program for firms. My State is home to 1 of the 12 assistance centers that administer this program. That facility, at the State University of New York at Binghamton, has helped New York companies increase their sales by more than \$75 million since 1988. Those added sales are all the more impressive considering that the same companies' sales had fallen \$8 million in the 2 years before the trade adjustment assistance began.

Nationwide, the story is the same. The program's administrators calculate that it has created at least 3,000 jobs and saved another 40,000 nationwide since 1988—all at firms that had laid off thousands of employees before the aid commenced. It has meant \$800 million in added sales—a 35-percent increase—for companies that had lost over \$300 million in sales in the 2 years before getting the help. Quite a record

of achievement for a program that cost under \$14 million last year.

Extending trade adjustment assistance takes on even greater importance this year, as Congress prepares to consider the North American Free-Trade Agreement. I recall casting my first vote on a trade bill back in 1979, when I supported the Trade Agreements Act implementing the results of the GATT negotiations known as the Tokyo round. That legislation included an extension of the Trade Adjustment Assistance Program.

Just as that extension was important to many Members as we cast our votes in favor of free trade 14 years ago, I am certain that maintaining this program in 1993 will be critical to congressional support for today's trade agreements. In fact, as we face intense and growing economic competition from Europe, Asia, and Latin America, the need for a human side to our trade policy is even greater than it was in 1962 or 1979.

For all of the above reasons, I urge my colleagues to support the Senator from Michigan's amendment.

Mr. DOMENICI. Mr. President, on the amendment I want to indicate that Senator DANFORTH is a primary sponsor and has spoken to me about it. After discussing it with him, on our side we are willing to accept it.

Mr. HOLLINGS. Good.

The PRESIDING OFFICER. Without objection, the amendment will be considered in order and agreed to.

So, the amendment (No. 713) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 714

(Purpose: To provide funds for registration of lampricide to the Great Lakes Fishery Commission)

Mr. HOLLINGS. Mr. President, on behalf of Mr. LEVIN, Mr. RIEGLE, Mr. GLENN, Mr. KOHL, Mr. DURENBERGER, and Mr. D'AMATO, I send to the desk an amendment on the Great Lakes Fishery Commission and ask the clerk to report.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEVIN, for himself, Mr. RIEGLE, Mr. GLENN, Mr. KOHL, Mr. DURENBERGER, and Mr. D'AMATO, and others proposes an amendment numbered 714.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 68, line 16, strike \$1,658,184,000 and insert \$1,653,184,000

Page 75, line 6, strike \$14,200,000 and insert \$18,200,000

Page 75, line 6, after "... insert, *Provided*, That \$4,000,000 shall be made available to the

Great Lakes Fishery Commission for the registration of the pesticide, TFM.

Mr. LEVIN. Mr. President, the amendment will provide funds to the Great Lakes Fishery Commission, a United States-Canada binational organization, to allow its activities to comply with United States environmental laws. This amendment earmarks \$4 million in State Department funds for the reregistration of a pesticide that kills lampreys and is widely applied in the Great Lakes. This amount would be in addition to the funds provided to the Great Lakes Fishery Commission solely for the purchase of the lampricide in fiscal year 1994.

Let me explain to my colleagues what happens if we do not provide this funding. First, if the pesticide is not registered, the Great Lakes Fishery Commission will not be in compliance with U.S. pesticide laws and will be subject to the relevant penalties if it continues applying a pesticide for which there is no substitute. Second, if the lampricide is banned because it is not registered, the Great Lakes States fisheries authorities have indicated that they will discontinue their efforts to develop sustainable fisheries in the Great Lakes. Third, if the lampricide is allowed free region in the Great Lakes because the lampricide is not registered, the \$4 billion sport-fishing industry in the Great Lakes will be decimated. Fourth, if the fish population of the Great Lakes declines radically, the agreements that this country and several of the Great Lakes States have with several Native American Indian Tribes will be in jeopardy.

Mr. President, this is a serious situation. EPA has already provided some flexibility to the Commission and will be satisfied if substantial progress toward reregistration occurs in fiscal year 1994, but that means this money must be supplied. The Commission was denied \$1.3 million in fiscal year 1993 to begin the process and, to fully meet the EPA requirements, this \$4 million—\$1.3 from fiscal year 1993 and \$2.7 in fiscal year 1994—is necessary now.

Let me make it clear to my colleagues, as much as I would like a non-chemical solution to the lamprey situation, there is no substitute. There is nothing as effective or useful for keeping the lamprey population controlled. This pesticide must be reregistered. Since there is only one manufacturer of it in the world, which is not an American manufacturer, since no American businesses have found the product to be sufficiently profitable, there is no choice. The Great Lakes Fishery Commission, the user of the pesticide, must bear the cost of reregistration or there will be no reregistration.

Mr. President, here is the choice: Should we find \$4 million in State Department funds to reregister this pesticide and avoid destroying the Great Lakes sportfishing industry and violating agreements with Native American Indians or not?

I appreciate my colleagues understanding the importance of this matter.

Mr. HOLLINGS. Mr. President, that has been cleared on both sides, too.

Mr. DOMENICI. It is cleared on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So, the amendment (No. 714) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I simply want to thank my friends for clearing this amendment. It is important to the Great Lakes and we are very appreciative.

I thank the Senator.

Mr. HOLLINGS. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate resumed consideration of the bill.

Pending: The reported amendment in the nature of a substitute as modified and amended.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now return to the consideration of S. 919, the national service bill, that Senator KENNEDY be recognized to offer his substitute amendment, referred to in last night's unanimous-consent agreement; and that immediately thereafter there be filed two cloture motions on that amendment; that following the filing of the cloture motions, Senators KENNEDY, DURENBERGER, and WOFFORD be recognized for 5 minutes each to address the Senate on that subject, in the order stated; and that following the completion of Senator WOFFORD's remarks, the Senate return to the consideration of H.R. 2519, the Commerce, State, Justice appropriations bill; further that the cloture vote tomorrow occur at 12 noon with the 45 minutes preceding that vote be for debate on the national service bill and that it be divided in the usual form, and that should a second cloture vote be necessary that it occur on Friday, July 30, at a time to be determined by the majority leader, after consultation with the Republican leader, the mandatory live quorum being waived and that Senators have until the time of the cloture vote tomorrow to file second-degree amendments.

The PRESIDING OFFICER. Is there an objection?

Mr. KENNEDY. Mr. President, will the majority leader be kind enough to designate an hour before the vote on Friday evenly divided before the vote on this issue?

Mr. MITCHELL. Mr. President, I modify my request so that if a second cloture vote is necessary and occurs on

Friday, that there be 1 hour for debate immediately preceding the vote equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service enhance opportunities for national service and provide national service educational awards to persons participating in such service, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

AMENDMENT NO. 709

(Purpose: To provide a substitute amendment)

Mr. KENNEDY. Mr. President, I call up my amendment which is basically the Durenberger amendment which is cosponsored by the Senator from Pennsylvania [Senator WOFFORD].

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. DURENBERGER, and Mr. WOFFORD proposes an amendment numbered 709.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, George Mitchell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, Ben Nighthorse Campbell.

Mr. MITCHELL. Mr. President, in accordance with the provisions of the

agreement just agreed to unanimously by the Senate, I send a second cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, Ben Nighthorse Campbell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, George Mitchell.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, first of all, I want to express our appreciation to the majority leader for allowing us to discuss this measure which has such broad based support in the Senate and which passed overwhelmingly in the House of Representatives a little over 1 hour ago with the support of 26 Republicans, 248 Democrats, and 1 Independent.

We are continuing to work with other Senators to find consensus.

We have already agreed to accept 14 amendments, almost all of which were proposed by Republican Senators.

The substitute we are introducing incorporates those amendments. It also includes 5 additional amendments which we have agreed to accept to strengthen the bill. This package of new amendments incorporates proposals by Senators DURENBERGER, KASSEBAUM, and STEVENS. Senator DURENBERGER is the principal cosponsor of this substitute.

It includes specific authorizations of appropriations, and it requires studies by the Corporation to help streamline programs, evaluate the program diversity and assess the importance of the postservice benefit in recruiting.

It includes provisions to ensure that participants perform direct service, and it contains strict limits on administrative costs. In addition, it increases the flexibility of the States to set up and use alternative State commissions.

Finally, it clarifies the provisions to ensure that Native Alaskans and their regional corporations can use the National Service Program.

The substitute proposes a 3-year program that authorizes \$300 million in 1994, \$500 million in 1995, and \$700 million in 1996. The \$300 million in 1994 will build on the pilot programs funded over the last 3 years through the Commission on National and Community Service. The program will still start at